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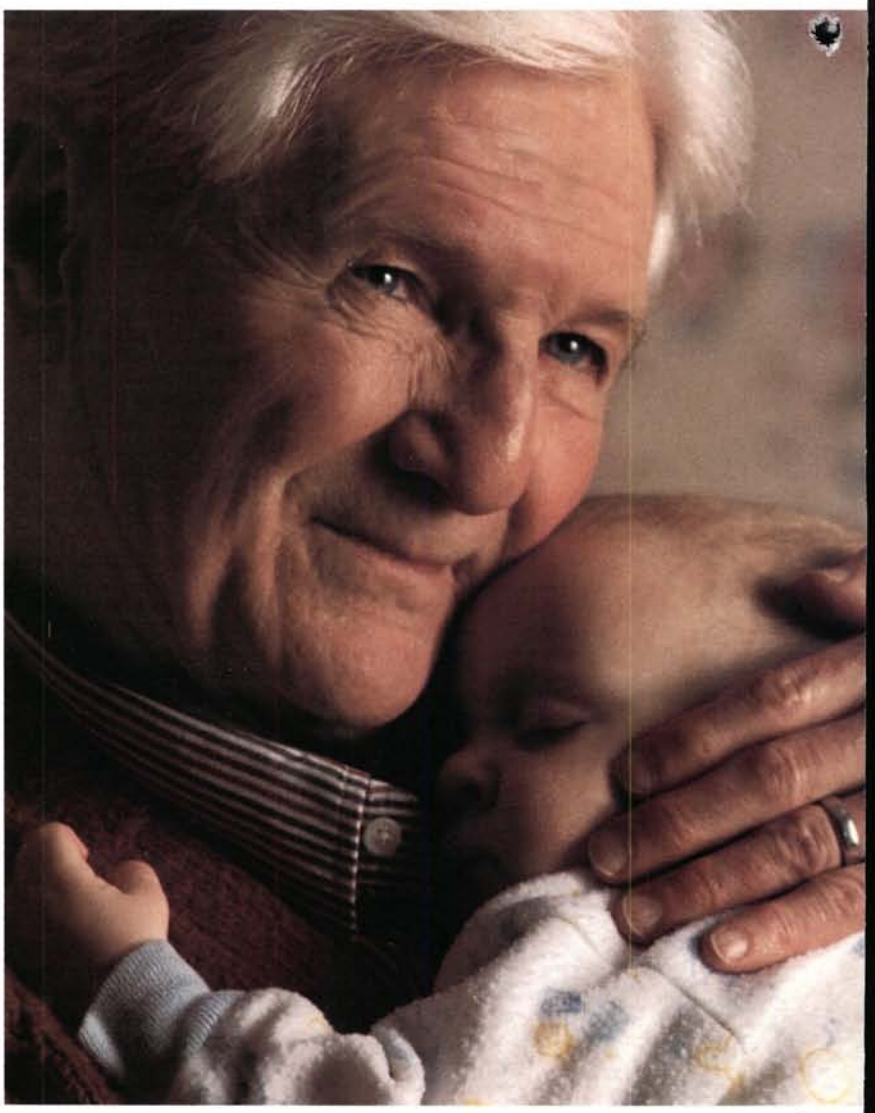

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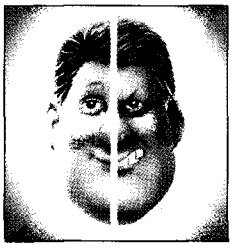

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CORRESPONDENCE

Grand slam

To the editors:

I read Nicholas Dawidoff's article ("Field of Kitsch," August 17 & 24) right after I had enjoyed an afternoon at Orioles Park at Camden Yards, got home, and put away my Kansas City Monarchs cap (1942 model replica), so maybe I'm slightly defensive. Nevertheless, I'm not sure just what irks Dawidoff about baseball nostalgia. I don't view paying homage to the history of baseball or the heroes of our youth as bad taste, although some of the forms that homage takes may be. As I began to read the article, I thought he was going to condemn the nostalgia as the indulgence of the baby boomers desperately searching for constancy in this constantly changing society. (Am I wrong in expecting something like that from this magazine?) However, he appears to dislike nostalgia, innovations in the sport, and television for obscuring "the real pleasures of the game." But, again, I'm not sure what he thinks those pleasures are. I think that appreciation of baseball's history is one of the real pleasures of the game, no more so than now, when research is highlighting aspects of the game (e.g., the Negro Leagues, women's professional baseball) that had been ignored or downplayed in the standard story of baseball.

Dawidoff appears to say that we should watch baseball in a ballpark with real character and good sight lines, without much electronic distraction. Am I missing something, or is that a longing for bygone days?

KARL MENNINGER
Springfield, Illinois

To the editors:

One wonders why Nicholas Dawidoff finds Camden Yards so distasteful. Granted, some of the seats are bad, although not as many as in other stadiums, and some of the ornamentation is a little rococo for my tastes. But all pieces of architecture convey messages, and the message of so many of the stadiums built between 1960 and 1990, like many of the buildings of the time, was that all places are identical and that individuals were people crushed underneath the weight of modernity. Camden Yards at least has a healthy respect for the past and for Baltimore traditions. If Dawidoff finds "retroball" wrongheaded, he should at least have told us what sort of architecture he admires.

And Camden Yards' seats are *plastic*, not wooden. Was Dawidoff so overwhelmed by the retrograde nature of the stadium that he imagined wooden splinters stroking his spine?

MARTIN MORSE WOOSTER
Silver Spring, Maryland

AIDS and teens

To the editors:

Michael Fumento's stance ("Teenaids," August 10) that concern about teenagers and AIDS is just "hype" is not only irresponsible and misleading, but potentially fatal. It is true that teenagers aged 13 to 19 make up less than 1 percent of the total number of people with AIDS. What Fumento is overlooking is the eight- to ten-year, and possibly longer, incubation period between infection with HIV and the development of symptoms associated with AIDS.

In this country 44,495 cases, or 19 percent of the total, have been reported in people between the ages of 20 and 29. Given the incubation period between HIV infection and a diagnosis of AIDS, it is safe to say that many thousands of these 20- to 29-year-olds were infected as teenagers. To make this point even clearer, consider that in the past eighteen months there have been 12,141 new cases of AIDS reported in the 20-29 age group. A few rudimentary calculations will show that many of these young Americans, if not most, were infected with HIV as teens.

Moreover, Fumento's claim that male cases among 13- to 24-year-olds outnumber female cases by 9 to 1 is false. According to the latest figures from the Centers for Disease Control, the ratio is actually 4.3 to 1 (7,944 males and 1,839 females), and getting smaller each month. This declining ratio indicates that the virus, contrary to Fumento's assertion, is being spread through heterosexual intercourse and is not limited to the original groups thought to be at highest risk.

Although it is correct that receipt of blood products for hemophilia and male-to-male sexual contact are the most common modes of HIV transmission for 13- to 19-year-olds, the percentage of AIDS cases from heterosexual transmission has increased over the past eighteen months. Indeed, for this same period, 16 percent of AIDS cases reported in this age group were linked to heterosexual contact.

Fumento claims that I am a "benevolent liar" because I believe that the AIDS epidemic has not leveled off. The American public can draw its own conclusion. According to the CDC, 401 AIDS cases were diagnosed in this country through December 1981. In 1986, 18,548 cases

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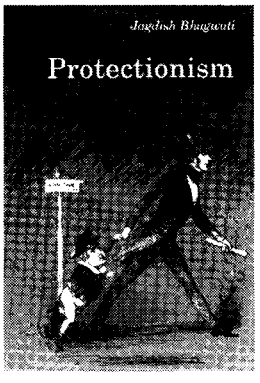

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were diagnosed. In 1990 Americans diagnosed with AIDS numbered 40,022. The total number of reported AIDS cases now exceeds 230,000, and more than 150,000 people of all ages have died.

ANTONIA C. NOVELLO
Surgeon General
Washington, D.C.

Michael Fumento replies:

Regarding the eight- to ten-year lag, what Dr. Novello is overlooking is the reference in my article to two HIV *infection* studies: one of teenage Job Corps applicants, which found that infections were "only a fraction of those in persons aged 25 to 44 years," and the other of teenage military applicants, which showed a steady decline in teenage infections and an overall infection rate less than one-tenth that of the CDC estimate for all age categories combined. A CDC study released in June of persons randomly tested in thirty-eight hospitals shows an infection rate for the 15-24 age range to be one-fourth those of the 25-34 and 35-44 age ranges. These data seem more solid than taking the figure for 20- to 29-year-olds and making "a few rudimentary math calculations."

The 9-to-1 figure I gave actually applies to all age categories combined, but the 4.3-to-1 figure for 13- to 24-year-olds makes the same point. The declining ratio, far from being a surge in female AIDS cases, merely indicates that the male part of the epidemic curve is slightly more advanced than the female section. For the 13-29 category (I have no data going back to the mid-1980s for the 13-24 category), the number of cases for males increased by 68 percent from 1985 to 1986, by only 19 percent from 1989 to 1990, and began decreasing from 1990 to 1991; female cases for the same time periods increased by 60 percent, 28 percent, and by only 8 percent from 1990 to 1991. As with male cases, the female ones will soon go into decline. Why this is cause for alarm is difficult to understand.

For teenage heterosexual AIDS cases, the numbers behind the percentages are so tiny that it's easy to pick an arbitrary time period such as "the last eighteen months" and show an increase. Thus, while, yes, in the last twelve months 16 percent of the teenage cases were categorized as heterosexual transmission, this figure comprises a grand total of 28 cases, or 0.059 percent of all AIDS cases reported in that period. Is this Dr. Novello's mighty scourge of America's youth?

U.S. AIDS cases increased 247 percent from 1981 to 1982; 60 percent from 1985 to 1986; and only 5 percent from 1990 to 1991. This year's rate of increase is smaller yet. To anyone without an economic or political stake in the issue, this indicates that the AIDS epidemic is leveling off.

New world cover

To the editors:

In "The Protectorate" (August 10), Robert W. Tucker argues that the flaws in the Bush administration's policy are those of a mistaken grand conception: "to realize a vision of order heretofore beyond our reach. In the Middle East, the Palestinian issue provides the great test case of the new vision."

This is a plausible and even flattering view of the administration's Middle East policy. But another view is possible: the administration has no grand design but has stumbled into its coercion of Israel as a result of misguided policy entrepreneurship operating in the vacuum created by personalized and overly centralized management of the Department of State.

To begin with, the administration started trying to overthrow the government of Israel in the spring of 1990, months before the Gulf war and the coining of the term "New World Order," while it was still convinced Saddam could be bribed or persuaded to be reasonable. Yitzhak Shamir made a fool of Jim Baker in that round, and Baker reacted petulantly, publicly announcing the telephone number of the White House and telling the Israeli government to call him if it was interested in peace. Again, months before Operation Desert Storm the same policy entrepreneurs who had sponsored the first-round failure jumped at the chance to add to Shamir's problems by withholding the loan guarantees pending the Israeli elections last June. After the Gulf war they came up with the baroque idea for a movable conference on Middle East issues. The chronology shows that the New World Order is merely a cover for the coercion of Israel, to the extent that it influences that policy at all.

P. EDWARD HALEY
Keck Center for International and Strategic Studies
Claremont, California

Silent acceptance

To the editors:

As a computer instructor of profoundly deaf adults, I found David J. Rothman's review of Harlan Lane's book on the deaf community ("The Sounds of Silence," August 17 & 24) of particular interest. We need to acknowledge that the deaf do indeed possess their own culture, for this will greatly further their education and social integration into the larger American society.

Amazingly, however, the biggest obstacle to deaf children's integration is often their own parents, who strive to mainstream them, so that they learn to "overcome" their disability. The overwhelming majority of my students' hearing parents have not taken the time to learn American Sign Language. The parents who insist that their children lip-read and learn to speak do a disservice to these kids, since the message sent to them is that with enough effort, nobody will know that they are deaf. Perhaps this is a function of denial, a refusal to acknowledge that deaf children cannot function fully in society. Yet this very denial causes these parents to refrain from speaking up for their children's rights, which is how they are ignored. After all, this is a group who cannot, literally, speak for themselves.

CYNTHIA W. PARR
Augusta, Georgia

'A scratch, a scratch'

To the editors:

In his excellent review of David McCullough's *Truman* ("Harry of Sunnybrook Farm," August 10), Ronald Steel both misquotes and misattributes a line from Shakespeare. The misquote might be an intentional paraphrase, the misattribution is surely a mistake. It was not *Brutus* but *Antony* who said that the "evil," not the "bad," that men do lives after them while the good is "oft interred with their bones." As Steel decries the apparent absence of an editor's pencil with regard to the book he reviews, so we must note the apparent absence of same with regard to his review.

As Mercutio might say, "Ay, ay, a scratch, a scratch; marry, 'tis enough."

RICHARD BLOCK
Woodstock, New York

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FROM WASHINGTON

Snow jobs

"Clinton's strategy would cause 2.6 million jobs to be lost."

This assertion, which originated in a Bush-Quayle press release on August 10, has become a campaign trail bromide. It has the grand size and gleaming specificity we've come to expect in Bush statistics. Also the flagrant dishonesty.

Clinton's economic plan, a document issued in June called *Putting People First*, is far from perfect (see page 23), though also far preferable to Bush's own plans, or lack thereof. But the issue here is not jobs. So we will not linger over the irony that there are actually fewer private-sector jobs in America today than when President Bush took office. The issue, as with other Bush statistical claims, is the one he himself has chosen to emphasize: trust. The August 10 press release accompanied what is quaintly labeled a "Fact Sheet" allegedly documenting the "2.6 million jobs lost" claim. Let's go through it.

Clinton's defense cuts—1 million jobs. The Bush "Fact Sheet" cites a report by the Senate Budget Committee Republican staff, which in turn cites a study by a professor at the University of New Mexico. The New Mexico study concludes that Bush's own defense cuts will cost a million jobs—a point the president does not emphasize—and that deeper cuts could double that number.

One trouble is that this study measures the effect of defense cuts far deeper than anything Clinton has proposed. According to Gordon Adams of the Defense Budget Project, the New Mexico study assumes cuts beyond Bush's proposals of at least $220 billion through 1997. According to Bush's own "Fact Sheet," Clinton proposes cuts of only $86 billion.

More importantly, the 1 million figure assumes that money not spent on defense simply disappears. Clinton proposes to spend it, and more—a point Bush likes to emphasize in other contexts. That will create jobs. Clinton's plans for investment in public infrastructure, etc., may be wise or otherwise, but it is flatly dishonest to count the jobs lost in defense and not the jobs gained in Clinton's alternatives. Indeed, most studies show that civilian spending creates more jobs per dollar than military spending.

It is likewise dishonest to interrupt your sermonettes about wasteful government spending to defend spending you like on the grounds of "jobs." By the logic of Bush's "Fact Sheet"—and of his campaign, as he bounces around the country bragging about all the defense jobs he is protecting—the more the government spends, the better. Call it "stoned Keynesianism." By this logic the balanced budget amendment, which Bush also claims to favor, would be a jobs catastrophe.

Clinton's "play-or-pay" health care proposal—700,000 jobs. The "Fact Sheet" cites a report by the White House Office of Management and Budget. The OMB report actually says "350,000 to 700,000" jobs. In the "Fact Sheet" this becomes "as many as 700,000," and in the press release a flat "700,000."

Clinton proposes to require companies above a certain size to supply health insurance to their employees. Those that don't must pay the government to supply it instead. OMB estimates that this will require a payroll tax on non-providers of 7 to 9 percent. Total cost: up to $37 billion a year. Some employers, OMB reasons soundly enough, will reduce jobs rather than pay the tax. (OMB—and the "Fact Sheet"—also warn that workers' wages will be reduced by the amount of the tax. Of course this is double counting. If workers bear the full brunt of the tax, employers will have no incentive to reduce jobs.)

The OMB report fails to consider how many jobs might be created in health care—a labor-intensive industry—by the infusion of $37 billion of new spending. This might be more or less than "350,000 to 700,000," but it is surely greater than zero. Clinton's plan assumes that cost controls will allow universal coverage with no net increase in spending. That also is dubious. But if you assume that more money will be spent, you must assume that more jobs will be created.

The "Fact Sheet" also leaves out another interesting number from this same OMB report: $35 billion. That's the Bush administration's estimate of the added annual cost to the federal government of Bush's own health reform plan. The difference is that Bush, unlike Clinton, has never said where he plans to get the money. If Bush knows a way to skim $35 billion off the economy without eliminating a single job, he is being uncharacteristically reticent in refusing to say how.

Higher CAFE standards—300,000 jobs. Federal "corporate average fuel economy" rules require auto manufacturers to average 27.5 miles per gallon. Clinton has semi-endorsed a proposal to increase this, over a decade, to 40 mpg. The job loss estimate comes from the Motor Vehicle Manufacturers Association. The MVMA actually says "between 150,000 and 300,000," which naturally mutates into a hard "300,000" by the time it hits the Bush-Quayle press release.

But the computation is absurd in any event. The auto lobby simply assumes that anyone now involved in making cars that get less than 40 mpg will be unemployed ten years from now. That is, it assumes that neither customers nor domestic manufacturers will make the slightest effort to buy or manufacture more domestic cars meeting the higher standard—even though such cars already exist today. A telling comment on the MVMA's own members, if true. But it ain't.

"1.5% payroll tax mandate"—300,000 jobs. The "Fact Sheet is a little vague on this. Clinton proposes a 1.5 percent payroll tax to finance worker retraining, but only on companies that don't spend 1.5 percent of payroll on retraining anyway, as many do. The "Fact Sheet" seems to assume that all companies will have to pay a new 1.5 percent tax, which they won't. As usual, it assumes the revenue just disappears, ignoring any new jobs created by the spending on worker retraining (not to mention any career benefit to the retrained workers themselves). Bush himself has recently made a catch-up proposal to spend $2 billion a year on worker retraining. But he doesn't say where the $2 billion will come from. As usual.

Unspecified "business tax increases"—300,000 jobs. I could find no direct substantiation of this figure in the "Fact Sheet."

Clinton says that his program will produce 8 million new jobs over four years. This claim is also fishy, though not because it's false. When I asked for documentation, it turned out that 8 million is simply a reasonable estimate of how many new jobs would occur in a moderate economic recovery.

Two million new jobs a year sounds good, but (as reported by Peter Gosselin in *The Boston Globe*) that would be an annual increase of just 1.8 percent, compared with 2 percent in the postwar period and 3 to 4 percent in the 1970s and 1980s. That rate would barely outpace new labor force entrants and thus would barely reduce the unemployment rate. Clinton is presenting an extremely modest goal as if it were something more than that.

Thus Clinton vs. Bush on Clinton's economic program is a good illustration of the difference between being slick and being a flat-out liar. Clinton is slick.

MICHAEL KINSLEY

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THE NEW REPUBLIC

SEPTEMBER 28, 1992

BACK TO SCHOOL

As early as 1989 it was clear the democracies had won the cold war. It also soon became clear that the American military was disproportionately big and expensive. At the same time, the United States was in a recession, its infrastructure crumbling, public education in disarray. Drawing down the armed forces and reforming education are high public priorities. J. H. Hexter, Emeritus Professor of the History of Freedom at Washington University, points out that there is a way to do both at once: encourage retiring military people to work in America's public schools.

In *There Are No Children Here* Alex Kotlowitz tells the story of Diana F. Barone, a white ex-Marine who taught fourth grade for many years in Henry Suder Elementary School just outside a Chicago housing project. Kotlowitz writes that she "turned to her military training—two years in the Marines and three years in the Air Force reserve—to help maintain order in the classroom. And on the first day of school, she explained to her students that they had to follow a set procedure for getting to their desks. They must ... march single file to the back of the room and then down the appropriate aisle. If a student took home a book, the next morning he or she had to place it on the upper right-hand corner of the desk. Children could go to the bathroom no more than twice a day, and then only as an entire class; they could dispose of garbage only on the way out of the classroom. 'The kids want this orderliness,' Ms. Barone reasoned. 'It gives them a sense of being in an environment that is safe and comfortable.'"

Many public school principals now recognize the need for this sort of atmosphere—an atmosphere of order and discipline to compensate for the chaotic home lives of so many inner-city children. Educators have often made explicit pleas for an influx of male role models to help compensate for the absence of fathers at home, to develop a sense of self-worth, and to foster the belief that achievement is possible. Yet few have considered the most obvious source of such success stories: the swelling ranks of military retirees, male and female alike.

Twenty thousand career NCOs will retire this year after twenty years of service. Unfortunately, most are ineligible to teach. Only commissioned officers—3 percent of the military—have a bachelor's degree, which is a requirement in every state. A few NCOs have taken advantage of those rare Service Education Centers that offer on-base courses leading to a bachelor's degree in education. These could go directly to schools like Suder. But because of deficits in education offerings at the centers, there are only a handful of them.

Happily, this is changing. The Servicemembers Opportunity Colleges, a consortium of civilian colleges and universities that serve military personnel pursuing college degrees, are working out a new program directed toward teacher certification preparation. Within a few years they should be available at Army and Navy Education Centers on permanent posts in the United States and where the active duty force is stationed in considerable numbers abroad. But what about the career NCOs who will be retiring in 1993? These are the men and women who turned America's active duty force around. When they enlisted they were a gaggle of draftees torn by racial conflict. When they went into Saudi Arabia in August 1990, it was with a volunteer force—trained by them—that triumphed in Operation Desert Storm.

Do we lose anything if, like their predecessors, they drop off the map as they disappear one by one into retirement and assorted second careers? Yes. The 240,000 people who will retire from the military over the next twelve years are a living exemplification of how ordinary people in performance of common tasks can work and live together competitively and cooperatively. If a large fraction of these people were to go into teaching in the public schools, they would bring a sense of order and achievement to the young victims of decayed family life. Many retiring NCOs came from families with no academic tradition. That is why they enlisted upon high school graduation in the first place. But given the proper training, their value as mentors and as exemplars of hard work can be a part of their accreditation for a college diploma.

For most of the career NCOs who enlisted in the 1970s and early '80s, teaching in public school was not in the range of their aspirations. But the career NCOs who will be retiring over the next dozen years enlisted with a better education than the civilian population from which they were drawn. They are more likely to have graduated from high school than their classmates. And most importantly, each retiree has had as many as fifteen years of experience teaching the active duty force. Now in their 40s, they are young enough to take on a new vocation that taps the skills they already possess. Many in the education establishment will try to protect their turf by saying military people lack qualifications for teaching (like the requisite courses in child psychology), and that the transition from teaching 18-year-olds to teaching 10-year-olds is impossible. But the military is filled with men and women who've been told that before, and proved the skeptics wrong. •

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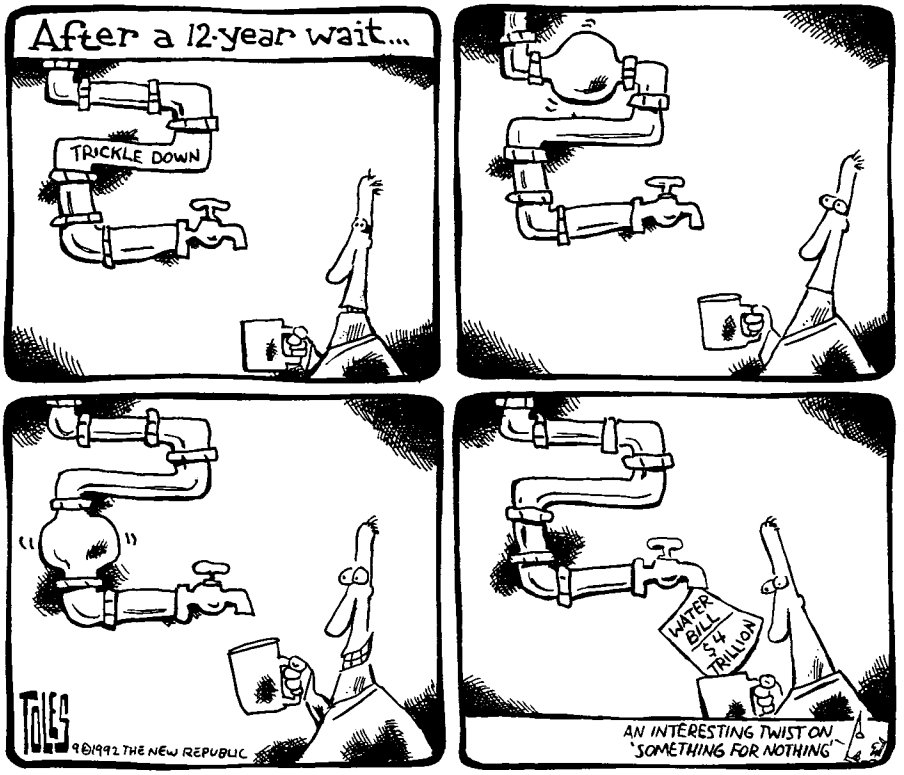
NOTEBOOK

BUSHISM OF THE WEEK: "I think we're all in the wrong line of work, don't you? I'll tell you—but let me thank Jim Mallor here. Be glad to be back here with him. He reminded me that I flew the simulator when I was here last time. He was gracious enough, given the circumstances, not to remind me that the simulator, obviously, had a failure because it crashed with me at the helm there. And—But it was pilot error, I'm afraid. And let me also throw—thank our congressmen here today—Pete Geren, Joe Barton." —remarks at General Dynamics, Fort Worth, Texas, September 2

CLINTON SUCK-UP WATCH: "Bill Clinton and Al Gore are both terrific individuals, hard-working political pros, men with open minds and generous hearts.... Because Bill Clinton and Al Gore are young and fresh and full of optimism, they really can begin again. Once in power, they will not have all the answers. Nor will they solve all the nation's largest problems. But they have the talent and nerve to turn things around.... I can't wait until election day. It could be one of the great moments of our lives." —*Rolling Stone* editor Jann Wenner in the September 15 issue



128-TO-ONE UPDATE: The Clinton people have muddied the waters a bit concerning George Bush's deceitful claim that he raised taxes once while Clinton raised taxes 128 times. With admirable candor, they have released a list of Clinton-era tax and fee increases in Arkansas compiled by the state Department of Finance. The number is 127—just one short of Bush's original assertion. (They also have released a list of 73 Clinton-era tax *cuts*.) The Bush people are claiming vindication. Not so. First, the original Bush list was fraudulent and transparently so. The new Clinton list still includes such dubious items as a dollar "fee" for criminal convictions, but it does not include (for example) various blank items and repetitions that Bush's list included. Second, the fact remains that by the standard Clinton is being held to—including every tiny fee increase—Bush raised taxes far more than once. The Clinton people count 170-odd times; the congressional Joint Tax Committee says 79; TRB stands by his count of 133. Taking even the lowest count, George Bush raised taxes at a far more rapid clip than Bill Clinton. It's an idiotic standard to judge anything by—but Bush brought it up.

ONE MAN, ONE VOTE, ONE TIME: The Lebanese haven't had a parliamentary election in more than twenty years, so they've been having one—in three stages—these last few weeks. Of course, this balloting was "supervised" by the Syrian army, Lebanon's occupiers for nearly seventeen years now, though democratic elections are hardly Assad's specialty. This supervision was not exactly what James Baker had in mind when he brokered (along with the Saudis) a national reconciliation pact that would produce a truly independent Lebanon as the first showcase of his new world order. Long before the voting was to have started, the Syrians were to redeploy from Beirut and environs to the Bekaa valley, the initial stage in a phased withdrawal home. When the Syrians made it clear they were staying, Baker said nothing. The country's Christian leaders argued that a truly Lebanese election could not be held while Syrian machine guns policed the ballot box. Most Christians boycotted the vote. This left only the Muslims. If you've watched the very few elections held in Arab countries, the outcome of this one wouldn't surprise you. It was a big victory for God's Shiite militias. Don't expect another "free election" anytime soon.

SO, IT'S NOT APHASIA, BUT: "It's conceivable that sometimes when people criticize the president for syntax lapses, when he's—particularly when he's tired, that this kind of verbal problem can be a form of dyslexia." —President Bush's personal physician, Burton Lee, CNN, September 6

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ERUPTING BIMBO:

—*Rolling Stone*, September 17, pages 50-51

WHITE HOUSE WATCH

NO TRUMAN

By Fred Barnes

President Bush has the look of two former presidents. Nope, Harry Truman isn't one of them. The two are Gerald Ford and Jimmy Carter, both incumbents who failed in re-election bids (O.K., Ford lost an election, not a re-election, having been appointed in the first place). Like Ford, Bush has suffused his campaign with a generalized kind of conservatism that positions him to the right of his Democratic opponent but doesn't inspire anyone. It's conservatism without the ideology. He's also crudely doling out federal goodies, as Ford did in 1976. Like Carter, Bush sounds apocalyptic about the fate of America should his opponent win the White House. After all, Bill Clinton is a governor with no foreign policy experience. He may not be an extremist, as Carter claimed Reagan was in 1980, but as a young man he ducked the draft. And now, Clinton's ideas, Bush declared on August 21 in Branson, Missouri, are "clear, present, and dangerous." So he can't be trusted with the presidency.

This campaign tack is all Bush. In fact, he's running his first pure Bush race. In 1988 there was a strong Reagan tinge to Bush's campaign. Two Reaganites, Lee Atwater and John Sununu, and a fellow traveler, media consultant Roger Ailes, gave the campaign its sharp edge. A Reagan speechwriter, Peggy Noonan, produced its most memorable line ("Read my lips: no new taxes"). Absent the Reaganite influence, Bush might have lost in 1988. The converse is also true. Reagan might have lost in 1980 without the Bush influence. Not only was Bush an important factor as Reagan's running mate, but James Baker, Bush's political master, became a key campaign adviser to Reagan. Together, the Bush-Reagan forces produced three campaigns with ideological intensity and an appeal to a broad base, from conservatives to Reagan Democrats and independents.

In 1992 the Reaganites are gone. Baker brought his own crew from the State Department when he took over as chief of staff (Robert Zoellick, Dennis Ross, Janet Mullins, Margaret Tutwiler). He summoned budget director Richard Darman to the fold, as well as national security adviser Brent Scowcroft and Press Secretary Marlin Fitzwater. And two Bush-Quayle campaign officials, Robert Teeter and Fred Malek, were included. But no one else. The top Reaganites in Bush's orbit—Housing Secretary Jack Kemp, Quayle aide William Kristol, campaign official Jim Pinkerton, and Republican Representative Vin Weber of Minnesota, a co-chairman of the Bush campaign—were excluded.

It shows. The campaign, like Bush, has no ideological center. It's other-directed. Bush takes his bearings from Clinton. Counterpunching Clinton takes precedence over selling Bush's positive message. "He spends an amazing amount of time attacking Clinton," says a senior White House aide. "The only time Bush gets revved up is when he attacks Clinton." On September 2 Bush went to Humboldt, South Dakota, to announce American wheat export subsidies. But he didn't even mention them until he'd flayed Clinton for vacillating on the free trade agreement with Mexico. "He's stuck riding the fence so hard he's got saddle sores," said Bush. "I might say straddle sores." As president, Clinton would put 7.5 million export-related jobs "at risk," Bush declared.

Bush is willing to step on his own story to zing Clinton. On Labor Day he was set to trumpet one of his most popular themes, the evil wrought by trial lawyers and his scheme for reining them in. But Clinton was speaking that day in Independence, Missouri, Truman's hometown, and Bush couldn't resist. He devoted more than a third of his speech in Waukesha, Wisconsin, to arguing that Clinton is no Truman. "Whether it was the Soviet blockade of Berlin or the invasion of Korea, Harry Truman never flinched from the tough decision," said Bush. "Now, contrast that with Governor Clinton's waffling and wavering about whether he would have followed my lead and stood up to Saddam Hussein.... Harry Truman was a man of decisiveness, not equivocation."

Bush loves to invoke Truman as his campaign hero, but any Reaganite would tell him he does himself no good by it. Contrary to what Bush insists, Truman isn't the patron saint of underdogs. Sure, underdogs like Ford point to Truman's upset victory in 1948. Then they go on to lose. Rather than harping on how much he's like Truman—and in truth, he's not at all—Bush needs to emulate him. The genius of Truman was exploiting divided government, slamming Congress, pushing a real program, and winning re-election. He came off as selfless, not as a candidate with a scheme for winning re-election but as a leader with an agenda for

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the country. Bush has a ways to go to match that.

Where Bush most lacks the Reaganite touch is in his embrace of the conservative agenda. It's the only agenda he's got, but he butchers it. He's transparently insincere. To a gathering of Christian ministers in Dallas on August 22, he said: "I will ignore those who would rather not talk about a moral revival in America, because I believe it is as important as any other challenge that we face." On legal reform, Bush said in Wisconsin: "Don't just ask me about what's wrong with our legal system. Check the opinion of that famous enforcer of American justice. I'm not talking about Oliver Wendell Holmes or John Marshall. I mean someone even more famous than that, Hulk Hogan." In a movie, Hogan confronted bad guys who wouldn't fight. They sued. Yuk, yuk. In the same speech, Bush pathetically proclaimed America's victory over the USSR. "The cold war is over and freedom finished first," he said. "But America is not a nation that brags."

For all the flaws in Bush's campaign, it's better now that Baker is in charge. He's decisive and he can get Bush to act. After the Exxon Valdez oil spill in 1989, then chief of staff John Sununu twice tried to persuade Bush to visit the site. Bush wouldn't budge. The same day Hurricane Andrew struck south Florida, Baker got Bush to visit, then return four days later for a second look. True, Bush was trolling for a good photo opportunity, but it was better politics than sitting in the Oval Office as the Miami homeless suffered.

There are limits to what Baker can do. He's cautious, ideologically tame, and not as tough as he thinks he is—a lot like Bush, in other words. Last December, Bush told David Frost, "I will do what I have to to be reelected." It turns out he won't, nor will Baker urge him to. The latest example occurred just before Labor Day, when Bush had an opportunity to spur the economy, on his own authority, by indexing capital gains for inflation. It would have been a bold step: action, not words. But Bush and Baker feared criticism by Congress, Clinton, the press. So Bush declined to act. I'll bet Ford and Carter would have done the same. •

Bush's not-so-secret strategy.

GOING NATIVE

By Sidney Blumenthal

After evidence of his very first vote for president surfaced—for Thomas Dewey against Harry Truman—George Bush felt compelled to explain that his resemblance to Truman might not lie in policies or politics, but in the unassailable fact that Bush, like Truman at this point in his 1948 campaign, is behind. In other words, Bush wishes, as Truman did, to win. By draping over himself the ghostly shade of the quintessential machine Democrat of his time, who delighted in referring to the GOP as "Gluttons of Privilege," Bush is attempting to conjure up another come-from-behind candidate from the less distant past—namely George Bush. He chases after the image of victory in 1948 in the hope of reliving 1988, when he managed to overcome near-toxic negative ratings, drove up his foe's unfavorables, and transformed himself into a glowing figure, hoisting grandchildren in his closing ad, in whom voters could invest their trust. The ominous headlines proclaiming economic decline, which rain daily on the president, only stir Bush to race faster, literally speed-walking across the Mackinac Bridge in Michigan on Day One of the general election campaign. Sheer motion, to Bush, equals energy in the executive.

The whole campaign appears to be shaping up as a question of how well Clinton does on the recoil. For weeks after the Republican convention, he stood at the net returning volley after volley, intent on proving that he was not the passive Dukakis. In fighting the last war it helps that the opponent is waging it. But Clinton was playing tennis without serving. The blur of the back-and-forth is the obfuscating effect Bush seeks. He wants a campaign that is about itself, not a clear alternative to him. And even when Clinton rises above the fray, seeming to control the day with a well-wrought speech, he sometimes throws himself back into the confusion by wading into the traveling press corps to answer the inevitable questions about the latest charges. The second law of thermodynamics seems to be the operative principle in the physics of Bush's campaign: for every increase in Clinton's negatives, there must be a corresponding decrease in Bush's. Then he, not Clinton, will be Truman—the winner.

The root of Bush's identity crisis, however, is not so much that he isn't Truman as it is that he isn't Dewey. Dewey's world—the world of the New York *Herald Tribune*, Luce's *Time*, and the powerful New York state Republican Party—has vanished. Mustering these resources, Dewey defeated the conservatives to win the GOP nomination twice for himself and then for Eisenhower. Dewey's defeat in 1948, due fundamentally to his own hubris, confounded the cycles of American politics and created a frustration within the Republican ranks that combusted into McCarthyism and Nixonism. For all the brilliance of Truman's victory, his second term was pretty disastrous, which fairly accounted for his dismal unpopularity when he left office. It is more than noteworthy that Senator Prescott Bush, a Wall Street banker residing in Greenwich, Connecticut, represented the Cheever wing of the Dewey party. The senator's son is the inheritor of a legacy of which he himself is the only remnant—a taint he has furiously spent his political career attempting to wash out in an effort to win acceptance from the right-wing successors of Dewey's intraparty enemies.

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Where this has deposited George Bush in 1992 is on a precipice. He was left with Reagan's coalition, which he has managed to reduce nearly to Goldwater's base. Governor Dewey of New York ran with Governor Earl Warren of California, but Bush cannot even hope to win the two largest states. The old GOP Electoral College map has been turned on its head. Bush's redoubt is in the Mountain states and the South. If he can capture the biggest swing states in the Midwest he may gain a near-run victory. But any loss at any margin will lead to complete collapse. The condition to which Bush has brought the GOP has ignited its raging cultural politics, which happen to fit its shrunken Electoral College base of the most consistently Protestant states and threaten to isolate it there.

In fact, as Houston showed, Bush's crystallization of Republicanism now contains many of the raw elements of historic nativism—a desperately defensive nationalism. The sketch of this was evident in 1988, when Bush easily coalesced such a campaign against a second-generation ethnic—deploying the Pledge of Allegiance, an oath of Americanization, and even making Massachusetts, Bush's own birthplace, seem vaguely alien. Now, driven by panic, the strategy is balder and uglier. Bush's besieged party makes an appeal to those who believe themselves to be the real Americans as opposed to those "others," whose differences are inherently corrupting and lowering the country. ("These other people are not America," the Republican Party chairman, Richard Bond, said in Houston about Democrats—by far the most defining statement of the entire convention.) The "others," who are the primary source of turmoil and decay, are not truly American. Yet they mask themselves (like "cross dressers"), conspiring to take over and impose their alien ways. They do not even include "G-O-D" in their platform, as Bush painstakingly spelled out at a gathering of the religious right in Dallas—his first stop out of Houston. What's needed is social conformity, traditional values, 100 percent Americanism.

This Republican temptation toward nativism has been tried before, and, unsubtly crafted, it has heralded electoral defeat. In the 1850s Lincoln pondered at length how to win over Know-Nothing voters without having to yield to any of their prejudices. In 1884 the blunt remark of a prominent Protestant clergyman in favor of the Republican ticket against "Rum, Romanism, and Rebellion" helped tilt the outcome: the Democrats won for the first time since the Civil War. In the early 1920s the same Republican leaders who wrote restrictive immigration laws rewrote their party rules, creating a system of weightings and quotas that advantaged the "Nordic" states, thereby setting the stage for the Democratic Party to act as the assimilating agent for the urban working classes in the New Deal.

This time the rephrased nativist, Protestant strategy (with some unrealistic sops to Catholics, such as federal vouchers to cover parochial schools) has already offended too many and may also collapse under the weight of its own contradictions. Bush is in danger of losing the mainline upper-income Protestants because he is running on a theological plank on abortion that is offensive to them. At the same time, he is in danger of losing lower-income Protestants because of his economic policy. Bush's particular advocacy of free trade, moreover, damages him in exactly those swing Midwestern states such as Michigan that he needs to add to his base. His strategy is hardly sustainable as an enduring politics for his party; but his concern is re-election. So far, Bush is decisively ahead in Wyoming and Utah. •

A defense of Woody Allen.

THE VERY LAST LOVER

By Michael Lewis

Not long after the American publication of *Lolita* the critic Lionel Trilling wrote a famous review to persuade an audience of cynical Americans that the novel was not about sex but about love. "The breaking of the taboo about the sexual unavailability of very young girls has for us something of the force that a wife's infidelity had for Shakespeare," he wrote. "Humbert Humbert's relationship with Lolita defies society as scandalously as did Tristan's relation with Iseult, or Vronsky's with Anna. It puts the lovers, as lovers in literature must be put, beyond the pale of society."

That he called this essay "The Last Lover" was perhaps premature. For since that year, 1958, our society seems to have progressed, at least in its capacity to transform love into hate. To incur the wrath of society today—to be put beyond the pale—one need only fall in love with another consenting adult, albeit the adopted daughter of a former girlfriend. And we must be clear here about the nature of Woody Allen's crime. It was not child abuse. And it was not incest, for Allen was never a father to Soon-Yi. Allen's crime was to fall in love in a way for which society was not really prepared.

The affair reveals just how little sympathy most Americans now have for the claims of passionate love. Or, rather, we seem to approve of love with the same conditioned enthusiasm that we approve of, say, a sense of humor. We don't want to acknowledge that genuine love might be socially disruptive, so we insist that socially disruptive feelings be called something other than love. Thus Allen's plea ("the heart wants what it wants," he has said) has gone widely ridiculed. The nude photographs he has taken of his lover, Soon-Yi, have been offered by lawyers and journalists alike as evidence that the artist does not grasp the difference between love

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and lust. (Which of course says more about the minds of the lawyers and the journalists.) "He's a complete narcissist," Midge Decter explained, "so that if he says he loves somebody, it makes you laugh to think what that emotion might be."

This failure of romantic conviction is common to both left and right. The unwillingness of liberals to defend Allen is a sorry example of moral triage in the family values war; throw Allen to the conservative wolves and perhaps there is still hope for saving homosexuals and single mothers. But something more is obviously at work, as the feminist tirade suggests. "We see he doesn't want to be a caregiver at all," said Katha Pollitt, "but just to take the children and sleep with the stepdaughter. He had the whole universe of college girls to sleep with, yet he chose this one. It's wrong." It seems not to have occurred to Pollitt and others that this argument is as demeaning to Soon-Yi as it is to Allen, since it assumes that radical love can only be on the man's terms. Soon-Yi has said she is in love, as any woman has a right to be in love. And she has acted on that conviction. The true feminist would defend Soon-Yi's right to choose.

The conservative attack upon Allen is beset with other, deeper problems, beginning with hypocrisy. Even the most enthusiastic advocates of family values have experienced inconvenient feelings of love; and even they, on occasion, succumb to the temptation to be happy. Representative Newt Gingrich, who once married a schoolteacher seventeen years his senior only to leave her on her deathbed for a younger woman, neatly illustrated how little this matters to them when he rose in his home state of Georgia to call Allen's love affair "a weird situation [that] fits the Democratic Party platform perfectly. Woody Allen had non-incest with his non-daughter because they were a non-family." Et tu, Newt?

We have by now grown so used to conservative moralizing that we tend to overlook the hoary inconsistency in the conservative attitude toward human desire. They can't seem to make up their minds whether people know what is best for themselves. Consider this sermon in *The Wall Street Journal*:

> Perhaps the people angry at Mr. Allen have had their fill of the principle that has shaped our current culture. This principle can be summed up, briefly, as the do-whatever-makes-you-feel-good ethos, the notion that we all have our different needs—and who's to say what's good or what's bad? In life, as often in his art, Woody Allen comes to us as the perfect exemplar of this school of morality. It is also the principle that has helped bring about our current uncontrolled explosion of sleaze and pornography, and the toleration of amorality on a grand scale unequaled in history.

This from a newspaper famed for its exaltation of every market choice. There is a certain cognitive dissonance in the belief that people know exactly what they want when they go shopping for a car muffler but need to be told what to do when they go looking for love.

To be sure, there is an honest, conservative argument to be made for purging society of all romantic love; the problem is that no one in this country is brave enough to make it. But one occasionally sees traces of it elsewhere. For example, the British columnist Paul Johnson recently suggested that, given the rate of failure of love matches, society might be improved if all marriages were arranged. He had been moved almost to tears by the sight of the Rev. Moon marrying 30,000 strangers at once.

The problem with this argument in America (apart from its heartlessness) is that we decided that this sort of restraint on individual liberty was unacceptable when we declared our independence from Johnson's forebears. Or have we entirely forgotten that we are meant to be pursuing happiness? The truth may be that higher feeling in America has always been suspect. Stendhal was the first to suggest this, when he wrote about Americans in his treatise on love that "it is as if the source of sensitiveness were dried up in them. Their whole attention seems to be taken up with ordering their lives in a rational way and in avoiding discomfort; when at last they reach the moment of gathering the fruit of so much care and of such long sustained habits of orderliness they have no life left for enjoyment . . . they lack the passions that make one enjoy life."

It is telling that Allen's harshest critics want badly to believe that he is not only immoral but insincere. For it shows that even the least tolerant conservatives or the most puritanical feminists, as they preach the need for fetters on passion, acknowledge that there are cases of intense feeling when those constraints should be dissolved. And who is to say that Woody Allen's is not such a case? We have sent rockets to the dark side of the moon, but we still do not know what is inside another's heart. And occasionally, we should give him the benefit of the doubt. •

Israel's change of heart.

THE TURN

By Michael Walzer

The election is over, the diplomacy has begun, but it is worth looking back at what happened in Israel on June 23, 1992. For this was, as the television announcer said that night, a *ma'apach*, an overturn, an upheaval, one of those decisive elections that mark a shift in political life. I don't mean only to describe the party realignment, the return of Labor and the alliance of left parties to power. That was accomplished by only a narrow margin (though less narrow than the margin of Likud's victory in 1977) and under the leadership of an aging politician who stood somewhere to the right of most of his associates. Something

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else happened in June: Israel's voters repudiated the ideology of Greater Israel with all its messianic and ultimatist overtones.

That too was a close call, by no means definitive. In democratic societies, acts of this sort are never definitive; the defenders of what is called "the whole Land of Israel" are not going to be locked up or shot. They will make a lot of noise in the Knesset and possibly also in the streets. But they have suffered a serious defeat, as they themselves were quick to admit. Moshe Arens, the former foreign minister, announcing his withdrawal from political life, warned his Likud colleagues that a substantial number of Israelis no longer regarded Greater Israel as an "adequate response" to the problem of co-existence with the Palestinians. Yuval Ne'man, whose Tehiya party, the purest embodiment of the old faith, failed to reach the minimum vote necessary for Knesset representation, complained that the voters were insufficiently interested in ideological questions. Meir Sheetrit, a Moroccan Likudnik with leadership ambitions, said flatly on election night that "the Land of Israel is not a religion." He meant, I think, that there were no longer enough worshipers to keep the cult going—or, perhaps, that it could now survive only as a sect and not as (what he was interested in) an establishment.

Critics of Israel around the world, by contrast, downplayed the overturn, convinced that what they take to be the essence of Zionism (here they are at one with the Likud) is not subject to electoral repudiation. And some Israeli leftists, too, were skeptical about the deeper significance of a victory they nonetheless celebrated. After all, no alternative ideology had been defended in the course of the campaign. Yitzhak Rabin presented himself as a pragmatic politician, blurring ideological lines as best he could, seeking compromises, avoiding ultimate issues. It may well be that this is what made him so appealing to the new Russian immigrants—despite a Labor Party that only recently gave up the red flag and the *Internationale*. They sensed that it was the supporters of Greater Israel who were Israel's bolsheviks.

But a non-ideological political campaign in Israel in 1992 was, in intent and effect, a campaign against Likud ideology. And if the alternative is ill-defined (and likely to be contested in coming months), it has some attractive qualities: realism, common sense, tolerance, and a test-the-waters, one-step-at-a-time, look-before-you-leap circumspection. Of course, Rabin has said he wants to move forward rapidly in the peace negotiations, but rapidity here is relative to Yitzhak Shamir's refusal to move at all (while recklessly pushing the movement of settlers). And, of course, the new government has a compass; it knows in what direction "forward" lies; it isn't entirely without doctrinal guidance. But it is prepared to advance by muddling through.

The difficulties ahead are probably such that they can only be muddled through. There is no neat solution to fit this or that ideology. What we will see in the near future, if things go well, is a series of complicated "arrangements." And for this a non-ideological politics is most suitable. It is most suitable, too, for territorial compromise: nations don't retreat in bursts of ardor, but under pressure, seeking relief, looking for a little bit of peace and quiet.

There can't be much doubt that pressure and the need for relief played a part in the election. The experience of war, now reaching into the third generation; the crisis with America; the new technologies of mass destruction, represented at a fairly low level by Iraqi Scuds but still frightening enough; four years of the intifada: none of these was talked about much by the politicians, but they bulked large, I believe, in the internal reflections of ordinary people. The right will see in such considerations only evidence of weakness, and the new government will have to look for ways of emphasizing Israel's actual political and military strength. But if being strong means fighting endlessly for some messianic future, then Israelis have clearly voted against being strong. A certain sort of intensity and a certain set of risks have been rejected.

I would guess that at some point in the long peace process, perhaps when the army has to withdraw from its present positions on the West Bank, intensity and risk will again be necessary. Israeli voters will have to be convinced that co-existence with a Palestinian or Palestinian-Jordanian state is, though not the end of history, a historical achievement worth the dangers it entails. Rightist ideologues will surely paint it as a national defeat and disaster. For now, however, it is the loss of ideology, not the loss of land (for no land has yet been given up) that is said to be disastrous. Shamir himself made the point most clearly, on the day that he handed over power to Rabin: "The Jewish state cannot exist without a special ideological content. We cannot exist for long like any other state whose main interest is to ensure the welfare of its citizens" (*The New York Times*, July 14). This gets things wrong in two important ways. But it isn't entirely wrong.

The creation of a normal state, "like any other"—this was the original aim, the central doctrine, of political Zionism. Normality was necessarily an ideological matter, since the abnormality of the Jews, the 2,000 years of statelessness, was itself explained and elaborately justified in Jewish, Christian, Muslim, and even secular ideologies. Statehood would have to be achieved against the intellectual as well as the political odds, and this would require highly motivated men and women, disciplined by an overriding idea.

But what sort of state this idea required was ideologically undetermined. A Jewish state? A *torah* state? A Jewish secular state? A state of or for the Jews? And what did any of these entail in practice? In fact, the "special content" of statehood depends on the political and cultural work of the citizens. That is what normality means. And it is unlikely that this work must wait upon the achievement of Greater Israel—unless one believes that Jewish creativity is only possible within those (but which exactly?) and no other territorial bounds, a belief, needless to say, unsupported by Jewish history.

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So Shamir is wrong to think that ideology has some peculiarly important role to play in Israel, unlike its role in France, say, or in Lithuania, or in Japan. He is also wrong to claim that the welfare of Israeli citizens isn't the "main interest" of its political leaders. They have, to be sure, an additional interest, acknowledged by a majority of the citizens, in helping Jews in trouble anywhere in the world. And bringing Russian or Ethiopian Jews to Israel may well produce a temporary drop in the welfare level, however that is measured, of the people already there. But the common expectation is that the new immigrants will raise the level over the long haul, and that is certainly what Israeli politicians must aim to accomplish. Statelessness is a condition from which people try to escape precisely because they want to be governed by leaders committed to their welfare.

But what constitutes the welfare of a people, how the constituent elements of a decent life are to be balanced, what the priorities and trade-offs are, what costs are acceptable now for added welfare later, and how such costs should be apportioned—all these are disputed matters. And the participants in these disputes, seeking some coherent position, commonly adopt one or another ideological perspective. This is true even with regard to security, the prerequisite of any kind of well-being. Questions of security also involve priorities and trade-offs, and these are never determined solely by cool and objective analysis. Values play a crucial part here, as the defenders of Greater Israel have always said. So: What are the values of their opponents?

Consider one critical group of opponents of Greater Israel. A pre-election poll showed that a substantial majority of high-ranking Israeli army officers and former officers are prepared for, even eager for, territorial compromise. They are doves, but (by a substantial majority again) tough-minded and practical doves: they don't talk movingly about peace with the Arabs or about the domestic transformations this would make possible. But they are doves in large part because they come out of the old Labor Zionist world, where such things were commonly talked about. They are children of the left, who turned out to be much better at fighting wars than anyone expected. It is because of their parents and their friends and the education they received and the politics they were long ago initiated into that they are opposed now to the permanent warfare and premeditated cruelty that Greater Israel would require. Peace and justice as well as pragmatic realism are their values, and somewhere down the road someone will have to talk about those values again if the country is to come, dovishly, through the bitter internal struggles and the tense and exhausting negotiations that lie ahead.

For Shamir, who grew up in the right-wing underground, only Greater Israel can inspire enthusiasm and devotion. The truth about Labor and the left is that they are committed to Littler Israel. Their victory gives them a chance to prove, and they will soon have to prove, that such a small country can still inspire the enthusiasm and devotion necessary to sustain it. •

Clinton's opportunity.

COURT TEST

By Jeff Rosen

If Bill Clinton is elected, he will be the first Democrat in twenty-five years to appoint a justice to the Supreme Court. With at least two and perhaps as many as four seats at his disposal (Harry Blackmun and Byron White are eager to resign; John Paul Stevens and Sandra Day O'Connor have been ill), Clinton could transform the Court. Instead of countering the conservative activism of the Republican justices by resurrecting the liberal activism of the Warren era, Clinton could return to a more inspiring vision: a liberal commitment to judicial restraint. He could break the intellectual gridlock of the past quarter century, in which Republicans have betrayed their strict constructionist principles and Democrats have fought to preserve activist precedents. As the first president since Woodrow Wilson to have taught constitutional law (at the University of Arkansas, from 1973 to '76), Clinton would be uniquely qualified to meet the challenge.

But there are several reasons to fear that Clinton has not yet made a break with Warrenism and that his judicial appointments might be no less political than George Bush's. Although Clinton's selections for the Arkansas bench were competent, he took little interest in the role of the courts, relying largely on the advice of his wife, Hillary. As a presidential candidate, Clinton has imposed an abortion litmus test for Supreme Court nominees, which threatens to disqualify the most principled candidates. When asked in *Rolling Stone* who on the current Supreme Court he would have appointed, Clinton named Harry Blackmun and endorsed an "expansive view of the Constitution." And the one person Clinton has mentioned as a nominee, Governor Mario Cuomo of New York, has spoken and written little about constitutional issues, failing to dispel the possibility that he might be a judicial activist in the Warren mode.

Clinton had only a limited opportunity to leave his mark on the Arkansas bench: judges in the state are elected, and the governor makes interim appointments only to fill unexpired terms or newly created seats. Clinton's most notable legacy was his self-conscious effort to appoint qualified women and blacks. According to Arkansas lawyers, however, Clinton limited his choices to a large network of friends and political allies—such as Wes Hubbel, senior partner of Mrs. Clinton's law firm, who became acting chief justice in 1984.

The only serious question raised by Clinton's Arkansas record is the extent of Mrs. Clinton's advisory role. Neil

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Lewis reported in *The New York Times* last April that Mrs. Clinton had been influential in vetting judicial candidates, and that at least two lawyers told him they had dealt directly with her, and not the governor, when they were offered interim seats. Betsey Wright, who was Clinton's chief of staff for seven years and is now director of research for his campaign, told me that Mrs. Clinton had not made appointments but had been consulted many times about "process," which Wright defined as "poking holes in arguments, thinking of experts to consult." At the very least, it seems likely that Mrs. Clinton would make suggestions about "experts to consult" in the selection of Supreme Court nominees. Wright told *The Wall Street Journal* that one of Mrs. Clinton's legal advisers is Judith Lichtman of the Women's Legal Defense Fund. When I asked Lichtman for her list of qualified Supreme Court candidates, she endorsed, among others, Delegate Eleanor Holmes Norton of Washington, D.C., and Susan Estrich of the University of Southern California. And Anita Hill? "Why not?"

Last June Clinton emphasized to Bill Moyers that his appointments to the Supreme Court would be "strong supporters of *Roe* v. *Wade*." The litmus test on abortion is distressing on several levels. It suggests Clinton's readiness to escalate, rather than put a stop to, the politicization of the judiciary that flowered in the '60s and has been aggravated by Republican appointments. He could simply have reiterated his support for the Freedom of Choice Act, currently before Congress, and focused the abortion battle on the White House rather than the Court.

More importantly, if the litmus test means that nominees must be "strong supporters" of the reasoning of Justice Blackmun's opinion, Clinton will be hard-pressed to find serious constitutional scholars who qualify. Although most law professors are personally pro-choice, only the most accommodating Supreme Court aspirants are willing to say, as Laurence Tribe told the Playboy Forum, "I think the Court was fundamentally right in *Roe* v. *Wade*." In fact, given the analytical flaws of the opinion, readiness to criticize *Roe* is probably the most reliable test of a pro-choice lawyer's ability to separate his personal preferences from his constitutional judgments.

Two of the most respected candidates on any Democratic short list—John Hart Ely of Stanford and Ruth Bader Ginsburg of the U.S. Court of Appeals for the D.C. Circuit—are famous for their courageous, early criticisms of *Roe*. And the list of the most promising younger constitutional scholars (such as Cass Sunstein and Michael McConnell of the University of Chicago; Akhil Amar and Stephen Carter of Yale; Douglas Laycock of the University of Texas) is dominated by politically liberal strict constructionists who are unpersuaded by *Roe*, for different reasons.

Never mind the hypocrisy of Democrats (including Cuomo) who criticized Presidents Reagan and Bush for applying a litmus test on *Roe* and have accepted Clinton's identical test with enthusiasm. Clinton does not seem to recognize that there are more plausible constitutional arguments for protecting the right to choose abortion than those Blackmun offered in *Roe*. (Many of the best candidates would locate the right in the Fourteenth Amendment guarantee against gender discrimination rather than in the right to privacy). By requiring fidelity to a second-rate decision, the litmus test threatens to do real damage, unless congressional Democrats can stop squabbling about the details and bring themselves to pass the Freedom of Choice Act before Blackmun resigns. Then the tiresome debate about *Roe* would be moot.

Clinton has denied what many people suspect, that he made the same deal with Cuomo as Dwight Eisenhower made with Earl Warren in 1952: the first Supreme Court seat in exchange for support in November. But because Clinton appears to be serious about Cuomo, a detailed examination of the New York governor's judicial philosophy is called for. Unfortunately, the evidence is sparse. Despite Clinton's claim that Cuomo "spends more time reading and writing and thinking about [constitutional] issues than virtually any other elected official that I know," Cuomo has actually written very little on the subject. In his many legalistic comments about the political wisdom of abortion restrictions, he has managed, Clarence Thomas-like, to avoid expressing a direct opinion about the merits of *Roe*. He has also kept to himself his views about the constitutionality—as opposed to the morality—of capital punishment, Dan Quayle's claims notwithstanding.

Insofar as he has exhibited a legal philosophy, Cuomo's seems to lean toward the activist camp. In one of the two law review articles he published during his ten years as a lecturer at St. John's Law School—"*Appellate Advocacy: Some Observations and Suggestions*," which appeared in the *Revista del Colegio de Abogados de Puerto Rico* (1963)—Cuomo observes that the New York Court of Appeals on which he clerked was less concerned with legal precedents than with doing justice: "The existence of a *contrary line of decisional authority will not obstruct the pursuit of what is fair and just here and now*." He then approves of the sentiment, insisting that "the attorney who does nothing more than feed legal data to the Bench misconceives his function.... *The major thrust*—however clothed in authority—*must be toward the court's sense of equity and fairness*." (Most of the article is italicized.)

Although Cuomo suggests in his published *Diaries* that "the instincts born in the incense and the Baltimore catechism" of his childhood continue to influence everything he writes, he does not seem to share the liturgical attention to text and history of Justice Antonin Scalia, who was also raised Catholic in Queens. Instead, Cuomo favors sweeping statements like this passage from his *Diaries*: "As I read [the Constitution], it provides simply that where matters of private morality are involved—that is, belief or actions that don't impinge on other people or deprive them of their rights—the state has no right to intervene." This is an inspiring, libertarian vision, but it is hard to reconcile with the intentions of the Framers of

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Secretary Alexander Looks Ahead

BY ALBERT SHANKER, PRESIDENT OF THE AMERICAN FEDERATION OF TEACHERS

The day after school opened, Secretary of Education Lamar Alexander ran over to Baltimore to give a "Breaking-the-Mold" award for successful educational innovation to an outfit called Education Alternatives, Inc. (EAI). What has EAI, a private, for-profit company, done to deserve this kind of recognition? Well, it has landed a 5-year contract to manage nine schools in Baltimore. Otherwise, its record consists of running two small private schools, a school district in Minnesota (EAI was dismissed after four months) and a public school in Dade County, Florida. EAI was invited to Dade because it promised to raise lots of money from the private sector.

All across the country, principals and superintendents are starting the school year by announcing their plans for radical change. As a result, they say, test scores will go through the ceiling, discipline problems will vanish and all their students will be successful. Nobody knows if any of this will happen; announcing changes is the easy part.

That's true in Baltimore, too. Like a lot of other groups trying to fix the public schools, EAI has some ideas I tend to like, but there's no way of knowing whether they will result in improvement or deterioration in the schools—or no change at all.

But Secretary Alexander chose this place, of all the school districts in the country, to hand out his award. Is this the silly season? What evidence does he have that EAI will change these schools for the better? Do we give medical researchers an award for developing a wonderful new medicine before they even field-test it? And if we're handing out awards for trying a new idea, why not give them to the thousands of people across the country who are doing just that?

Do we give medical researchers an award for developing a new medicine before they even field-test it?

Maybe Secretary Alexander deserves a Breaking-the-Mold award, too—for his new definition of successful educational innovation. On second thought, his performance in Baltimore probably didn't have anything to do with education or school reform, and we should view it as a political event. I suspect it's the first of many.

* * * *

Perhaps the Republicans are right and family values, as they define them, are under attack everywhere. Take the study of school success among children of working mothers that was described at a recent meeting of education researchers in the Netherlands. Contrary to what the advocates of family values tell us, the study found that children of women who work often do better in school than children whose mothers stay home with them. "What makes a difference," according to the *Times Educational Supplement*, which reported the conference (July 17, 1992), "is the sort of job the woman does. . . .If she has an unskilled manual job, her children do less well at school than if she stayed at home. But a mother working as a shopkeeper. . .or a higher-level employee has a positive effect on her children's achievement." If this is correct, we'd better stop pestering poor women to get jobs and start putting the pressure on Marilyn Quayle.

* * * *

Public education takes a lot of hits these days, and many of them are well-deserved. So it's encouraging to hear from a student who thinks his school has done a terrific job educating him. Logan McCarty of North Brunswick, New Jersey, a winner in the 24th International Chemistry Olympiad, sent me such a letter this summer. It read, in part:

"Four students from each of 33 countries competed in laboratory and written examinations to determine who were the best high school chemists in the world.

"The United States did exceptionally well, placing fourth behind China, Hungary and Poland and outscoring such educational "models" as the United Kingdom, Germany, Canada and others. With one gold medal, two silvers and a bronze, we were one of only a handful of countries to earn four medals.

"I was one of the silver medalists in the competition, and in my opinion one of the most important characteristics of the U.S. team is that all four of the top chemists in the United States came from public schools. . . .

"The U.S. team was selected out of a group of 20 exceptional students after a two-week study program at the Air Force Academy in Colorado Springs, Colorado. A group of the students there did attend elite, selective, private high schools in diverse parts of the country, but the top four students were all educated in this country's public schools.

"I should add some information about the students and their schools. Jeffrey Chuang attended Bellaire High School, a language magnet in Houston. Swaine Chen attended O'Fallon High School in O'Fallon, Illinois, a suburb of St. Louis. Swaine's school does not even offer Advanced Placement courses. Christopher Herzog attends High Park High School in Central New Jersey. And I attended Amherst Central High School outside of Buffalo, N.Y., a small school with about 200 in our graduating class.

"I feel very strongly about the value of a public school education and hope, that, in the midst of all this posturing about 'school choice' the American people know that the best education is still to be found in our public schools."

MR. SHANKER'S COMMENTS APPEAR IN THIS AD UNDER THE AUSPICES OF THE AMERICAN FEDERATION OF TEACHERS. READER CORRESPONDENCE IS INVITED. ADDRESS YOUR LETTERS TO MR. SHANKER AT THE AFT, 555 NEW JERSEY AVE., N.W., WASHINGTON, DC 20001. ©1992 BY ALBERT SHANKER.

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the religion clauses, to which Cuomo attributes it.

In a 1990 speech to the National Conference of Chief Justices, Cuomo borrows a strategy from Justice William Brennan: he calls on state courts to interpret their state constitutions more expansively than the Rehnquist Court has interpreted identical provisions of the federal Constitution. But also like Brennan, Cuomo fails to ask whether the more expansive readings can be plausibly supported by the text and history of each state charter. Instead, his interest in federalism seems opportunistic, a way of preserving Warren Court precedents by any available means.

Cuomo's own record of judicial appointments offers more encouraging evidence that he takes seriously the difference between politicians and judges. He is justifiably proud of his appointments to the New York Courts of Appeals, and (unlike Clinton) has spoken often about the importance of picking judges for their scholarship and integrity rather than party and ideology. Half of Cuomo's appointments, including Chief Judge Sol Wachtler, are Republicans. It is no secret, too, that Cuomo pines to be a judge. Given his intelligence, academic temperament, and proven inability to delegate to ghostwriters, perhaps Cuomo deserves the benefit of the doubt: he has the potential to become a truly scholarly justice like Hugo Black or Robert Jackson, rather than a back-slapping politician like Earl Warren or a mediocrity like Harry Blackmun, both of whom relied much too heavily on clerks. But Cuomo is as much of a stealth candidate as David Souter, and his appointment would be a similar gamble.

In a recent issue of the *Chicago Law Review*, Bruce Ackerman of Yale points to a paradox of the '92 election: as Republican judges have betrayed their individualist rhetoric and strained to expand the powers of the state, it is left to the Democrats, the party of big government, to defend individual liberty in a principled way. So far, at least, Professor Clinton does not seem to have thought very deeply about where to begin. •

The future foreign policy fight.

THE FISSION THING

By Michael Lind

It's now a commonplace that the generation-long philosophical rift in Democratic foreign policy has largely closed. Although most of the Clinton foreign policy cadres are graduates of the McGovern wing, the terms of the truce are agreeable to Humphrey-Jackson Democrats, particularly the "post-post-Vietnam" willingness of the Clintonites to back the use of force. Personal enmities remain, of course. Some former right-Carterites look with suspicion on the ex-Carter officials whom Anthony Lake has assembled in a foreign policy brain trust for the Clinton campaign. Conversely, the endorsement of the Clinton ticket in an August 17 *New York Times* advertisement featuring Carter-era hard-liners such as Paul Nitze, Samuel Huntington, Penn Kemble, and William Odom did not occasion rejoicing among veterans of the Vance camp (Brzezinski's name, interestingly, was absent from the endorsement).

There are even consensus texts on what a Clinton foreign policy might look like. In two major foreign policy addresses, on December 11 at Georgetown and on April 1 in New York, the Arkansas governor has set forth the three elements of a new Democratic line: the promotion of democracy, commitment to multilateral institutions, and economic renewal at home. (Despite Al Gore's presence on the ticket, global environmentalism has not inspired the campaign's strategic thinkers.)

However, in all likelihood, this new consensus is merely the beginning of new fights, not just the closing of an old one. The fault lines of a Clinton administration are already opening, and although they are unlikely to be as deep or as irreconcilable as the cold war rift, they could prove troublesome for a first-term president. Herewith a beginner's guide to future spats.

Democratic crusading vs. the multilateral chimera. The two objectives of promoting democracy abroad and working through international institutions sound bland enough, but they are not always compatible. They may work together in Europe, where the United States and the E.C. share a commitment to helping ex-Communist democracies through multilateral organizations like the Conference on Security and Cooperation in Europe (CSCE) and the European Bank for Reconstruction and Development. The Muslim world, however, is another matter. The French were manifestly pleased last winter when the Algerian junta canceled elections to avert possible victory by Muslim fundamentalists—and possible waves of refugees. In the Middle East, America's ally Turkey is fighting against Kurdish nationalists within its borders even as the United States supports self-determination for Kurds in neighboring Iraq. America's conservative Arab allies, along with the pro-Western Moroccan monarchy, fear that U.S. support for Kurds and Shiites will lead to the disintegration of Iraq. Israel is not likely to be enthusiastic about democratic reforms that in the short run might bring radical Muslims to power in Jordan, Saudi Arabia, Egypt, and the West Bank.

The same tension between ideals and allies exists in Asia. In talks that followed July's ASEAN summit, the ASEAN countries resisted American pressure for a harder line on the anti-democratic government of Burma. Japan, our major Asian ally, has always been reluctant to make democratic reform a priority in its

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dealings with its neighbors. Should a Clinton administration, under the influence of Democrats like Stephen Solarz, press too vigorously for democratization in the region (for example, by means of a "Radio Free Asia"), it might find itself crusading alone.

Of course, those in a Clinton administration who are opposed to extreme pro-democracy policies won't be so crass as to say so. Look for them to stress multilateralism—as a brake. This might produce strange alliances—skeptics who question the goal of democratization itself in particular cases might back the kind of ineffectual diplomacy exemplified by Cyrus Vance's U.N. effort in the Balkans as an alternative to more forceful, but misconceived, commitments. Look also for a split between unqualified democratizers and a school of "democracy, but ..." The latter would support democratic reform, *except* where it might empower illiberal elites—recycled Communists in Eastern Europe, Muslim fundamentalists in the Middle East and North Africa. A Democracy-but Corollary to a Clinton Doctrine might be one rift through which foreign policy realism could squeeze its way into the new Wilsonian consensus.

Trade war vs. internationalism. Another future rift could come when the economic brain trust gets its hands on diplomatic niceties. Among the traditional liberal internationalists, you'd find people like Richard Holbrooke, Michael Mandelbaum, and Joseph S. Nye Jr., who tend to be Atlanticists committed to turning America's cold war alliances into permanent elements of an institutionalized U.S.-led concert of democratic powers. Like moderate Republicans, they are almost as afraid of isolationism in the American population as of foreign threats. In the interests of post-cold war institution-building, they tend to downplay economic rivalries between North America, East Asia, and Europe, just as liberal internationalists tolerated Japanese and E.C. mercantilism for forty years as the price for the unity of the anti-Soviet alliance. The internationalists are joined by new-wave liberals for whom greater Third World access to U.S. markets, by means of agreements like NAFTA, has replaced foreign aid as the development tool of choice.

Their likely rivals in forging a new foreign policy will come from economic think tanks like the Progressive Policy Institute and the Economic Policy Institute. Since the mid-'80s, liberal theoreticians like Robert Kuttner, Lester Thurow, and Ira Magaziner have developed sophisticated critiques of free trade orthodoxy. Though their prescriptions differ, all dispute the assumption that the United States benefits from unilateral free trade with more *dirigiste* East Asian and European capitalist countries. All favor some version of industrial policy that treats the nation—and not just the firm, or the individual—as a major actor in the international economy. Many of their ideas appear in Clinton's economic plan, *Putting People First.*

There have already been attempts to paper over the tension between the internationalists and the neo-mercantilists. Richard Schifter has written that "an activist (foreign) policy can ... be carried out only if our country's economic strength is restored." Similarly, Clinton's recent foreign policy address focused almost exclusively on the complementary goals of economic reconstruction at home and internationalism abroad. In practice, it isn't likely to be that easy. As a practical matter, Congress and the public are more likely to understand the goal of economic renewal as beating Japan (or the E.C.). The argument that American economic renewal is necessary to help the United States meet vague obligations to the U.N. or CSCE may win assent at the Council on Foreign Relations, but it won't have much political punch.

At issue here will be a contest between two visions of the post-cold war world. One sees the great struggle of the twenty-first century as a conflict between a democratic alliance and everyone else. The alternative vision portrays a multipolar world fissioning into rival trade blocs, in which geo-economic rivalry may replace, or translate into, geo-political rivalry. This conflict of worldviews is arguably a *greater* rift than the cold war split between dovish and hawkish Democrats, whose argument, it now appears, was more over means than ends. Should Clinton come to power, look for apparently technical disputes over trade policy to erupt into debates over first principles.

Reforming the military vs. deploying it. Many liberal Democrats want to accelerate a process of demobilization that is already well under way. Other liberals have no trouble finding new purposes for a military establishment—new *non*-military purposes, that is (see "Back to School," page 7). There are, of course, many individual members of Congress working to prevent the closing of bases that contribute to the well-being of their constituents. Add to this the feminists and gay rights advocates who want to break down barriers to women and homosexuals in uniform. Industrial policy advocates, although they would prefer a well-funded civilian R&D agency to take the place of the Pentagon in irrigating high-tech research, might settle for an expansion of the mandate of the Pentagon's own MITI, the Defense Advanced Research Projects Agency. Minority advocates might want to keep otherwise unnecessary military units intact, given the important role of the military as a source of job opportunities for blacks and Hispanics.

This view of the military as a "pilot project" for various desirable domestic programs is hard to reconcile with an emphasis on the military as a fighting force. Sam Nunn and Les Aspin, each touted as a potential secretary of defense, might be expected to defend a more traditional conception of military purposes and prerogatives from crusading liberals. Nunn, however, along with Clinton and a close Clinton adviser, Oklahoma Representative Dave McCurdy, was a founding member of the Democratic Leadership Council in 1985. The big program that was

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supposed to distinguish DLC members from left-liberal Democrats was national service. Student loans would be contingent on military service (or a civilian equivalent). The DLC defended what looked like a vast public works program by claiming that it would help fulfill NATO's manpower needs in the 1990s—a claim that was quietly dropped after 1989. National service today looks much more like another social project than a way to strengthen the military as a fighting force.

Demoralized by massive cutbacks, the military can be expected to resist attempts to experiment with it in the service of social reform. (Already military officers, like Cub Scouts around a campfire, are repeating a horror story: "Pat Schroeder might become *secretary of the Navy!*") A Clinton presidency, if it were not careful, could give the Republicans a terrific campaign issue in 1996: "He's not just cutting the military back, but *destroying* it!" Clinton has promised to abolish discrimination against gays in the military—as his model JFK promised to abolish segregation with the stroke of a pen. JFK received hundreds of pens in the mail—and still he waited. Clinton, if elected, might decide that it would be best to engage in controversial military reform only after receiving the mandate of a second term.

MICHAEL LIND is executive editor of *The National Interest.*

It's March 1995 in America...

A CLINTON NIGHTMARE

By Mickey Kaus

March 1995

It took the VAT fiasco of 1994 to really sour the country on Bill Clinton. In retrospect, it's surprising his poll numbers didn't sag sooner. But Clinton enjoyed a longer "honeymoon" than most presidents. The press, of course, loved him, especially the Washington hacks. Part of it was the schmoozing—including the president's famous habit of traveling to the homes of reporters for informal late-night chowdowns. *Newsweek*'s Joe Klein joked that he "felt like opening a branch of Domino's Pizza." Part of it was that the capital seemed fun again. The Bloodworth-Thomasons were obvious climbers (everyone agreed on that), but their parties were great. The Adams Morgan district was hopping.

Clinton also played it smart, at the beginning, having learned from Reagan (who got the bad economic news out of the way early in his term) and Bush (who tried to make it through four years without bad news). Only a few weeks after Clinton's election, his aides began declaring that they were shocked to discover that the real state of the government's finances was much worse than they had supposed. The sense of crisis was heightened when the Feds seized control of 100 insolvent banks just before Christmas. The Citicorp bailout alone would cost an estimated $10 billion. By the time Clinton was inaugurated, the electorate was well-prepared to blame Bush for any continuation of economic hardship.

Something else cut in Clinton's favor, at least initially: the citizenry had been primed to expect his presidency to fail in a particular way. "America doesn't need Carter II," Bush had warned in his Houston acceptance speech. But Clinton didn't seem like Carter. He lacked Carter's self-defeating good-government affectations. He didn't try to take the patronage out of selecting U.S. attorneys or kill pet congressional water projects. Clinton was a *pol.* Carter had given his Cabinet officers the vague injunction to "be bold" and then treated the presidency as a multiple-choice exam in which he could check off policy options on the memos his staff prepared for him. Clinton grasped the policy options before he took office. He didn't need lectures on the contradictions of welfare or health care.

So why did things go wrong? It's now possible, with benefit of hindsight, to track several of the dynamics at work.

January 1993: Clinton's victory set off a spectacular scramble of middle-aged Democrats for executive branch jobs. One danger was that all these idealistic, activist Democrats (most of them lawyers) would start making policy at once—suing polluters, enforcing mileage standards, promoting bilingualism, etc. Too many interests would be antagonized, reviving Republican charges of overregulation. But Clinton was prepared, having suffered from a similar policy glut during his first term as Arkansas governor. The White House quickly put a damper on regulatory activism, causing Ralph Nader to demand that his former protégé, Mark Green, resign his new post as head of the Federal Trade Commission.

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But that still left a legislative overload. The new president already had an ambitious agenda for his first 100 days, including a "jobs" package, "comprehensive" health care reform, education reform, and welfare reform. The December "discovery" of an economic crisis added another layer of urgent action. Clinton skillfully used the crisis as an excuse to drop his middle-class tax cut—but money still had to be raised for the bank bailout, as well as for "investment" in infrastructure and education.

Clinton stuck with his other campaign proposals: a tax increase for the top 2 percent of families, a "limited" capital gains tax break on investments in "new businesses" held for five years or more. Washington lobbyists saw an opening, however, pushing for a larger capital gains break as the price for higher marginal rates on the rich. They found receptive ears, as usual, on Senator Lloyd Bentsen's Finance Committee. Senate Democrats had never been fond of the 1986 tax reform, which lowered tax rates in exchange for closing loopholes. They preferred a system in which high marginal rates gave the heartwarming appearance of progressivity, while the capital gains break allowed the rich to escape those rates (and funneled money to real estate developers who happened to be big campaign donors). Bentsen's bill, which passed Congress, raised the top rate to 39 percent, but cut the rates in half for anyone who cashed in an investment, "new" or old, after only three years. Since Bentsen had carefully crafted the bill to give Clinton most of the revenue he needed, the president had little choice but to proclaim victory and sign it. "This bill restores the progressivity to the tax code that was lost in the '80s," Clinton declared. But tax reform was dead. Reporters began to note that the president seemed to be gaining weight.

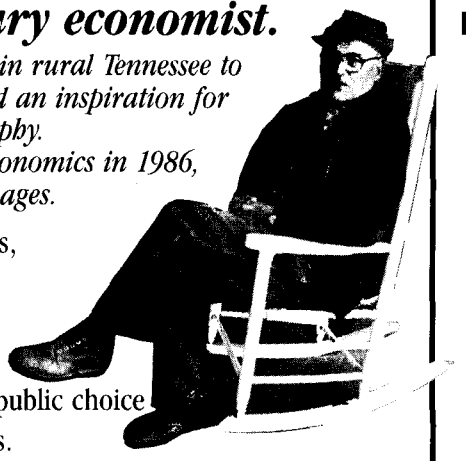
April 1993: Before the election, Clinton had boasted to *Rolling Stone* that "a hundred new congressmen" would help him pass his proposals. But the fractious new members elected on the anti-incumbency wave—the Perotistas, as they were inevitably dubbed—proved more in a mood to reform the House than to reform health care. They proposed deep staff cuts and challenged the seniority system, offending the Democratic leadership, which privately accused Clinton of having encouraged such populism with his own attacks on congressional perks. Clinton was forced to spend valuable schmooze time smoothing over these conflicts.

July 1993: One great fear about Clinton was that he wouldn't be able to stand up to powerful groups within his own coalition—particularly government employee unions and the elderly lobby (especially the American Association of Retired Persons). Hadn't he cleverly told the American Federation of State, County, and Municipal Employees that he'd cut *federal* jobs? Didn't the National Education Association con-

Photo: © David O. Garcias, 1986

This is no ordinary economist.

He rose from genteel poverty in rural Tennessee to become a revered scholar and an inspiration for Reagan-era economic philosophy.
He won the Nobel Prize in Economics in 1986, but he still hoes his own cabbages.



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trol 10 percent of the delegates at the Democratic convention? Responsible centrists were horrified when Clinton tried to scare the elderly during the 1992 campaign by alleging (without much evidence) that first Paul Tsongas and then Bush would slash benefits. Wouldn't Clinton have to propose some entitlement cuts of his own?

But by summer, Clinton had made what seemed surprising progress against the big Democratic interest groups. The December budget "crisis" gave him the justification he needed to pursue the most obvious entitlement cuts—taxing the Social Security benefits of the affluent, and raising their Medicare premiums. AARP went along, after putting up enough of a fight to ensure that the cuts seemed a major sacrifice. In fact, Clinton defined "affluent" as retired couples making over $100,000—the richest 3 percent of the elderly—so the changes raised less than $5 billion a year. But the symbolism was important, rebutting the notion that Clinton was an interest-group patsy.

In other areas, Clinton showed he could stand up to Democratic lobbies *if* the public was obviously on his side. The otherwise bland education reforms passed during the first six months of his administration did contain a limited provision for testing teacher competency, and for allowing college graduates to become teachers without first taking the mindless "education" courses necessary to obtain a teaching credential. Clinton beat the NEA on these issues after making it clear that he would take his case to the voters (as he had on the issue of teacher testing in Arkansas).

Yet Clinton proved less courageous when the issue wasn't so clear-cut. It's one thing to stand up to Sister Souljah, another to confront Marian Wright Edelman, the respected former head of the Children's Defense Fund who was Clinton's first secretary of health and human services. Clinton had originally proposed to "end welfare as we know it" by requiring welfare mothers, after two years on the dole, to go to work either in the private sector or community service. But he had also hinted at a loophole—recipients might not be required to work if they were enrolled in training courses. Edelman lobbied vigorously to make such training a formal alternative to work. In this she was supported by Hillary Clinton and the informal network of Hillary's advisers and friends that came to be known as "The Firm." The public employee unions, of course, were also vehemently opposed to putting low-wage workers into government jobs.

Clinton had a choice: force a confrontation with a powerful female, black Cabinet secretary—and with his own wife—or water down welfare reform. The result was a reform bill that, at considerable expense, required mostly training rather than actual work. Eventually Clinton relieved himself of his prickly HHS secretary by appointing her to the Supreme Court, a move that had its own consequences. There was no similar solution available for Hillary, though shortly after *The New York Times* ran a front-page story on the influence of "The Firm" she began a much-publicized redecoration of the East Wing.

November 1993: Nobody had really believed Clinton could solve the health care crisis in his first 100 days. He didn't. It's when he couldn't make much progress in his first year that the public began to grow restless. The problem was Clinton's chosen solution of "pay or play," which would have required businesses either to provide basic health insurance for their workers or to pay a payroll tax of 7 percent to finance a government insurance plan. Small businesses rebelled with unexpected ferocity against the payroll tax, and they easily outlobbied the big corporations that tended to favor "pay or play" (because they already provided health insurance). Clinton did pass some reforms his first year, establishing a standardized basic health insurance package and requiring insurance companies to charge rates based on an entire community's health history (removing the incentive to "cherry-pick" the best individual health risks). These reforms improved access, but they did little to control costs.

It became obvious, by the end of 1993, that "pay or play" was dead. The debate now appears to be between a Canada-style system in which the government is the sole insurer and a "new paradigm" plan, favored by some Clinton advisers, that would give individuals refundable tax credits while requiring them to buy insurance in the marketplace. Clinton has referred the matter to the National Health Care Commission, chaired by Robert Strauss.

In general, however, Clinton's first year in office was judged a relative success. Incremental health and welfare reforms had passed. The North American Free Trade Agreement was renegotiated and signed, with appropriate stiffening of provisions on environmental and worker safety. Clinton did not achieve his goal of requiring businesses to spend 1½ percent of their payrolls on training—but he did manage to spend $10 billion to set up model apprenticeship programs and to offer training "vouchers" to displaced workers. Sure, there were the usual op-ed complaints about how he didn't have a core agenda, lacked a "mandate," was unable to choose. The troubles with Chelsea didn't help either, but David Maraniss's *Washington Post* account of the family sobbing together and hugging at the Thanksgiving table elicited a measure of sympathy. As late as the end of 1993, Clinton's popularity rating remained above 50 percent. The White House press office announced that his weight had dropped below 200.

January 1994: Then the second budget crisis hit. Clinton had raised revenue in his first year, but as promised he'd spent most of it—on health care, education, training, public works, and welfare reform, not to mention the bank bailout. What now became obvious was that even the modest deficit reduction he had projected was based on wildly optimistic predictions. In particular, Clinton had assumed that his precious "investments" in

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roads and bridges would produce a dramatic improvement in economic growth even before those roads and bridges were built! But the economy was clearly not growing fast enough to generate the necessary taxes. ("The numbers just aren't adding up," OMB official Rob Shapiro admitted to *Time* magazine.) Worse, Clinton had already tapped the obvious sources of increased revenue. He'd taxed the rich and nicked Social Security recipients. He could hardly go back and hit the elderly again. The AARP would never stand for that, and if they did they'd simply be displaced by the sleazy direct-mail outfits that specialized in scaring pensioners. What to do?

That's when Treasury Secretary Roger Altman made his fateful proposal for a national Value Added Tax. Clinton took to the idea immediately. It was just like back in Arkansas when he'd had to raise the sales tax to fund his education reforms. Sure a VAT was regressive. But it was efficient, invisible, and painless. The business lobbies endorsed it. As White House "guru" Ira Magaziner pointed out, the Western European social democracies all relied on the VAT. It could even be rebated to exporters, giving the United States a little edge in trade.

Clinton staked his prestige on passage of the new tax, making it the centerpiece of his State of the Union. He traveled around the country chairing town meetings at which he tried to explain his new budget to ordinary voters. What he had not counted on, however, was the natural entropy of Congress, now augmented by the orneriness of the Perotista 100. Liberal congressmen, led by Barney Frank of Massachusetts, opposed the VAT as regressive. Conservatives denounced it as an insidious, inflationary money-machine to fund liberal spending programs. Both sides noted that even with the VAT the deficit wouldn't decrease—it just wouldn't soar to more than $400 billion a year. And that wouldn't leave room for any expansion of the Clinton agenda—any extension of health or training benefits, for example.

Perhaps a president who was feared on Capitol Hill might have rammed the VAT through. But Clinton wasn't feared. He was liked. He didn't confront. He ingratiated. The press was still on Clinton's side—a scathing three-part series by Sidney Blumenthal of *The New Yorker* detailed the arrogant obstinance of the congressional barons. But it wasn't enough. In the summer of 1994, after a half-year of Clinton's public lobbying, Senate Majority Leader George Mitchell announced he wouldn't even bring the VAT up for a vote. Why put so many Democrats on the spot, so close to an election?

That proved a major miscalculation. The budget stalemate revived all the charges about "gridlock" in Washington. Clinton's popularity ratings plunged, but so did Congress's. At the midterm elections, the Republicans won control of the Senate, and the Democrats lost twenty-five seats in the House. Now Washington really *was* gridlocked. And Clinton really did look like Jimmy Carter. •

Clinton's blow-dried Reagonomics.

SUPPLY-SIDE DEMOCRAT

By Jonathan Rauch

For anyone who cares about Bill Clinton or his party, Clintonomics creates a painful dilemma. Here is the most attractive and politically talented Democratic nominee since JFK. On some issues, notably race and values, he looks like the right man. But then there's his economic program, with its rich larding of sham and evasion.

I mentioned this to a prominent political reporter recently and got a scolding. "You economic people aren't happy unless a candidate puts a gun in his mouth and pulls the trigger," he said. In other words, one can't get elected by promising to cut Social Security and raise taxes. Maybe so. But to qualify as a good plan, a plan has to be good. And Clinton's isn't. It represents the triumph of the supply-side movement in the Democratic Party.

To be minimally good, an economic plan has to be sound on monetary, trade, and fiscal policy. It has to at least acknowledge that keeping inflation down is important. Inflation has been the plague of the postwar years, as Democrats especially should know. No serious economic plan can ignore it. On trade, the plan needs to commit itself to the General Agreement on Tariffs and Trade. The GATT is struggling to strike down trade-distorting barriers and subsidies around the world; the potential benefits are vast. On fiscal policy, the plan needs to build a mandate for moving the government

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JONATHAN RAUCH is a contributing editor of *National Journal*.

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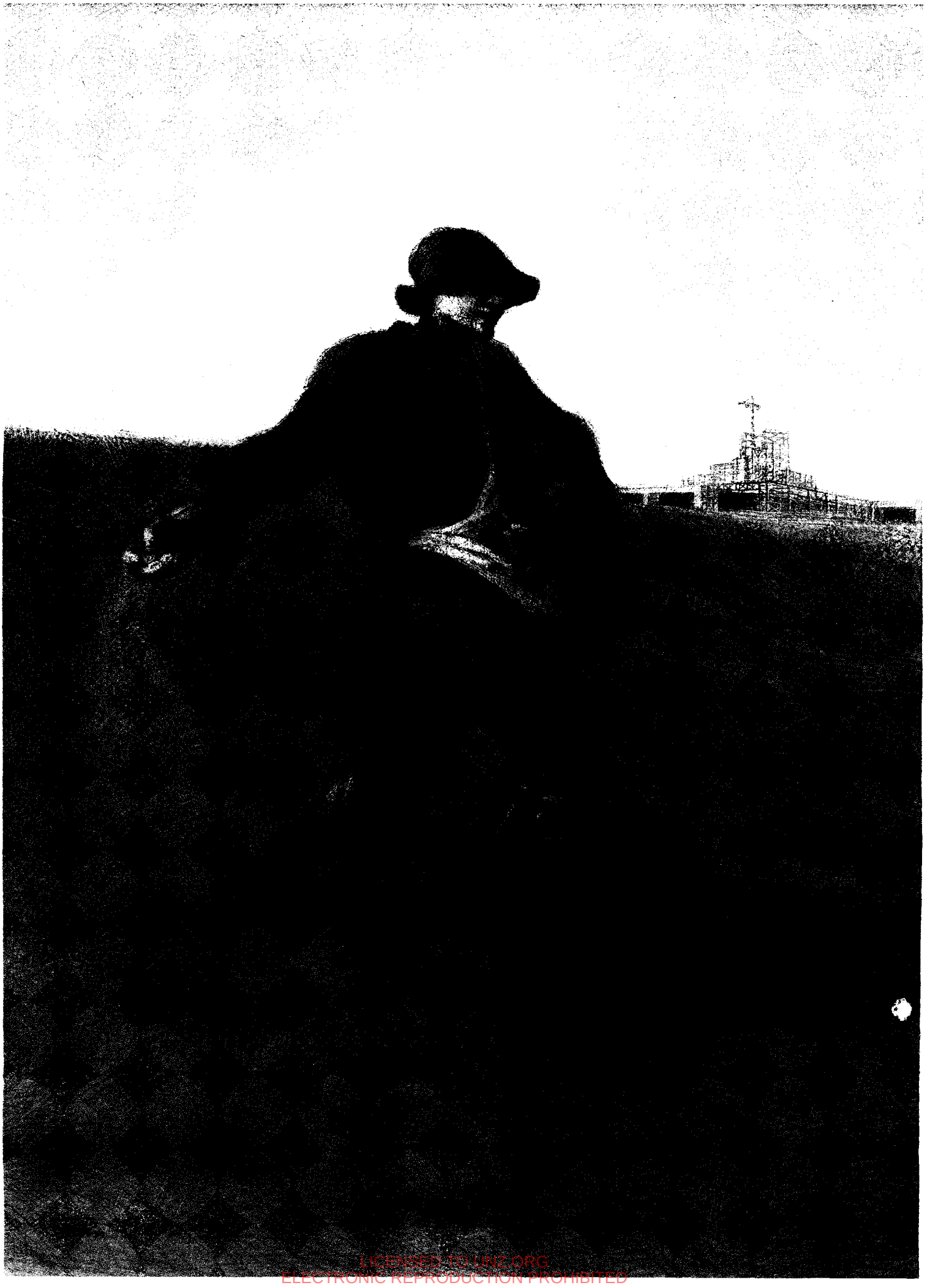

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away from sucking up investment capital to finance current consumption. In other words, it must commit to reducing the deficit and shifting spending priorities away from consumption and toward investment.

How does Clinton do?

On inflation, not a word, except in the context of controlling health-care costs—and his plans there don't inspire confidence. On the one hand, he extends benefits to everyone, thus increasing demand in a way that can only increase pressure on prices, not to mention the federal budget. On the other hand, he asserts costs will be lower because he'll use a regime of price controls and managed competition. President Nixon tried the formula of stoking up demand while regulating prices: it led straight to the traumatic inflation of the 1970s.

On trade, Clinton promises tough pressure on closed foreign markets. Fine. But he fudges on whether he favors freer trade with Mexico. Not so fine. He pledges to extend and strengthen the so-called Super 301 trade provisions, under which the United States declares itself prosecutor, judge, and jury in deciding who is an "unfair" trader. This is to multilateral trade agreements roughly what lynching is to civil rights. And about the GATT itself, not a word.

As for the deficit, Clinton's rhetoric deplores it. But any assessment must be made in the context of his platform as a whole. He promises:

Increased direct spending. Provide health insurance for those not covered by employers. Spend $80 billion for infrastructure. Hire 100,000 new police officers and expand drug treatment. Establish urban enterprise zones. Provide community service jobs after two years of welfare. Expand Head Start, the WIC program, "and other critical initiatives" for children. Expand Medicare "to include more long-term care." Etc.

Increased mandated spending. Require that employers provide health insurance or pay a tax for government coverage. (*U.S. News & World Report*'s Susan Dentzer notes that this means "levying a probably 9 to 10 percent payroll tax on firms that don't offer health insurance to their workers." Payroll taxes are notoriously regressive and most likely depress job creation.) Require all but the smallest companies to spend 1.5 percent of payroll for training. Require banks to invest in their communities. Require that employers provide twelve weeks of unpaid family and medical leave for workers. Etc.

New tax breaks. These include an investment tax credit, a break for long-term investments in start-ups, expansion of the earned-income tax credit, permanent status for the research and development credit, a choice of children's tax credit or income tax reduction for middle-class taxpayers. Etc.

These new benefits are expensive. Clinton says he is more than paying for them by raising taxes and cutting spending. His tax proposals, however, exhibit all sorts of squishiness. By his calculation, taxes on the rich are only good for a bit over $20 billion a year. His other big revenue raiser is to "prevent tax avoidance by foreign corporations." Here Clinton claims $45 billion over four years, an estimate that Rudolph G. Penner, a former Congressional Budget Office director, calls "vastly exaggerated." Another tax expert told me $1 billion a year would be more like it.

The Clinton people argue that a president could collect quite a lot from foreigners by trying harder. But even assuming there was as much money in squeezing foreigners as Clinton imagines, most of his revenue increases are outweighed by his new tax breaks. His own arithmetic assumes a net increase in taxes of about $46 billion over fiscal 1993-96. Over that same period, according to the CBO's forecast, the total deficits will run to *more than a trillion dollars*—increasing the national debt by more than a third (in only four years!). Therefore, even if Clinton is as tough as he claims, his revenues will still only reduce those deficits by a meager 4 percent.

On the spending side, "squishy" is kind. Nearly a third of Clinton's savings come from reductions in defense and intelligence. Fine, but that's only about $10 billion a year. Virtually all the other savings come from a "line-item veto to cut pork-barrel projects" and various administrative savings. The former is a recasting of Ronald Reagan's infamous 1981 "magic asterisk" trick, in which you wish away the deficit by assuming unspecified future savings. No less idle is Clinton's promise of administrative savings, which is a recasting of Reagan's "waste, fraud, and abuse" trick. Every president since Lyndon Johnson has tried to reduce government costs as an alternative to reducing government benefits. "Maybe those efforts paid for themselves," says Penner, "but only just barely."

As Clinton well knows, the only way to get the deficit under control is to curtail the growth of the huge middle-class entitlement programs, especially Social Security and Medicare. The fact that he won't broach the subject as a candidate all but guarantees that he either won't broach it as president or will get creamed if he tries, since you can't perform fiscal surgery without the patient's permission.

Then there's health care. Here he promises to extend coverage (including physician care, hospitalization, mental-health care, and prescription drugs) to everyone *for free.* He argues that his cost controls will pay for the new benefits. This is a recasting of Reagan's promise to cut taxes and increase defense spending while *reducing* the deficit. Health-care costs can't come down without forcing some people to do with less care. If Clinton believes his own promise of more care at lower cost, he is foolish; if he doesn't believe it, he's cynical.

What all this amounts to is a new, Democratic version of supply-side economics. In the good old days, Democrats had a theory of how government could help the economy grow: if the economy starts to sag, stimulate demand. Instead of balancing the budget, balance the economy. But the demand-management model collapsed under the inflationary pressure of the 1970s. At that point, the Republican supply-siders stepped in. They explained stagfla-

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tion by saying productivity was being choked by an economic bottleneck, namely excessive income tax rates.

Contrary to popular belief, the Republican supply-siders—the more intelligent ones, anyway—were not just witch doctors. They acknowledged that to reduce the deficit in the shorter term, you'd have to reduce spending. But they were less interested in reducing the short-run deficit than in restoring growth, which in the long run would help pull the deficit down. And there was a kernel of truth in what they said. The problem was that the supply side's claims became wildly inflated, and so did its tax cuts. The result was that Republicans chalked up three debt-financed electoral landslides in a row.

The Democrats, meanwhile, were undergoing a bizarre bout of Hooverism, or, if you prefer, Mondaleism. For a while, their growth theory was: balance the budget. This turned out to be a political non-starter. And so by the late 1980s the Democrats were losing interest in fiscal responsibility and had begun to coalesce around what is quite literally a supply-side theory.

Like supply-side Republicans, supply-side Democrats say the economy's productivity is being choked off. But where Republicans identified the bottleneck as high tax rates, the Democrats identify it as decaying public capital. The answer is more public investment. Like the Republicans, the supply-side Democrats are concerned primarily with long-run growth, not short-run deficits. If you have to borrow to reinvigorate the economy with new roads and job training, so be it.

That's Clintonomics. As with Republican supply-side, there's something in it, but much less than proponents claim. To begin with, whether the country faces a public-capital crisis is questionable, especially after last year's $151 billion transportation bill. In 1991 a study by the nonpartisan CBO found "little evidence ... that substantial across-the-board increases in current public capital programs would have a marked effect on economic output."

Public-capital investments pay off only in small increments over a long time, even assuming, charitably, that little money is wasted on pork-barrel projects and political boondoggles. Cost-effective job training is still far more easily promised than delivered. Similarly, schools surely need improving, but there is little reason to think that "investment" (money) is the answer: per-student public school spending, adjusted for inflation, has about doubled every twenty years since World War II.

Yes, carefully targeted investments are a good idea. But careful targeting isn't necessarily what happens. Just as, under political pressure, the Republican supply-siders' careful case for lower income-tax rates mutated into an insatiable greed for tax cuts of any kind, so the Democratic supply-siders' careful case for targeted infrastructure improvements is mutating into a justification for spending on practically anything. Clinton's economic plan is itself a case in point. New local water projects? Sure—just call them "investments."

You can argue, as Democrats increasingly do, that what matters is not how much you spend but how you spend it. It's all right, they say, to borrow from tomorrow's taxpayers for new roads, since tomorrow's taxpayers will reap the benefits. The trouble here is that if you pay for new roads with higher deficits, you dip into the nation's savings pool and so reduce the amount of capital available for private investment. You get more roads but fewer factories. That's like repairing the walls with blocks from the foundation.

The only way to increase overall investment is by restraining consumption. Which is precisely what Clinton is unwilling to suggest. If he said, "More roads, fewer entitlements," he would have the right prescription. Alas, what he is saying is, "More roads, more entitlements"—and, by implication, much more debt.

And so today we have a Republican Party that never met a tax cut it didn't like, and a Democratic Party that never met an "investment" it didn't like. Both claim to be selflessly advocating growth. Both are in fact buying votes, largely at the expense of the future.

This brings us to the first of two rationales used by Clinton apologists: "Just look at the alternative." Bush is busy promising tax cuts. Even if he balances them with spending reductions, as he vaguely mentions doing, the deficit goes untouched. However, Bush is talking about some kind of cap on the growth of middle-class entitlements. Though whether he would ever see such a proposal through is dubious, at least he has broached the subject.

Which brings us to the second apologist tack: perhaps Clinton would do less pandering as president than his campaign suggests. The hope, as Paul Tsongas told *The Washington Post*, is that Clinton is "bright enough to understand the implications of the problem once he gets in office." This hope is naive. Bush understood the implications of the problem once *he* got in office, and when he tried to face up to it by breaking his irresponsible no-new-taxes promise, the sky fell on him. Clinton is a better politician than Bush. You can bet he won't make the same mistake.

By running on pablum and promising everything to everybody at no cost except to foreigners and "the rich," Clinton risks making the country's problems worse rather than better if he is elected. He also risks hurting himself and his party, because he can't govern on the program he is running on. He will try because he must, but reality will bloody his nose. And if he rekindles inflation (a real possibility), the Democrats are destroyed.

"Well," shrug the apologists at this juncture, "you can't be a statesman if you're not elected." So we're back where we started: Americans are too spoiled and self-pitying to elect a truthful politician. And this might be true. But without straining himself excessively, Clinton could be less egregiously shabby. It's one thing to sugar-coat a message. Clinton promises a hot fudge sundae diet to rival Reagan's own. So from now on let us hear no more righteous complaints about loony supply-siders and irresponsible Reaganomics, for the Democrats have fully joined in the revels. •

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BOOKS & The Arts

Stanley Kauffmann on Films

State of Mind

Bantam has recently published *A Reader's Companion* to **A Brief History of Time**, edited by Stephen Hawking (194 pp., $25), and a companion it is—not to the book but to the documentary film of that title just released here (by Triton). Hawking says in his foreword that "this is The Book of The Film of The Book. I don't know if they are planning a Film of The Book of The Film of The Book."

He can well be jocular: his joke is about a useful book about a completely fascinating film, itself occasioned by a book on theoretical physics that has sold five-and-a-half million copies in thirty languages, written—as many more millions know—by a shrunken and paralyzed Englishman, bound to a wheelchair, who can communicate only with a "clicker" that connects with a voice synthesizer. (This, he complains, has given him an American accent. I thought it more Irish myself.)

The film, gently and empathically made, is more about the man than the work. It consists principally of interviews: with mother, sister, numerous friends, teachers, students. (Wife and children are absent; there are family difficulties.) These are interwoven with "voice"-overs by Hawking and, inevitably, poignant photographs from the healthy past. The *Reader's Companion* prints all the spoken material in the film, plus much that was cut, together with biographical notes on the speakers. I wish the film had identified the speakers: they are listed at the end, but that isn't much help.

The director was Errol Morris, whose *The Thin Blue Line* (1988) I egregiously omitted to review. That picture, which was about a man wrongly convicted of murder in Dallas and which got him exonerated, was made in an intricate, idiosyncratic style. The Hawking film is not. It is a straight T.V. documentary (sponsored by American, British, and Japanese networks), done with skill and warm lighting, principally by John Bailey. Only two matters are unconventional. In the midst of a subject's remarks, the camera often "blinks" as the film cuts to a later part of his/her interview. Presumably these blinks are left visible like a touch of dissonance in conventional music—to keep us alert. And the score by Philip Glass, who also did the score for the earlier Morris film, has an apt spacy feeling.

About Hawking's work at Cambridge, I, along with a few million other purchasers of his book, am incompetent to speak. All the talk of the Black Hole, the Big Bang, and the inevitable Big Crunch sounds like dinner-chat concessions to those with my grip of science; still, they are welcome. Bernard Shaw says somewhere that there is a law of the conservation of credulity. At one time, people believed that a million angels could dance on the head of a pin. We scoff at them, yet we believe that the Sun is 93 million miles from the Earth. Most of us have as much reason of our own to believe one proposition as the other: we take the word of experts. I and millions of others are quite willing, and presumably quite right, to believe that Hawking has a giant mind, that he is rightly placed in a professorial chair once held by Newton.

But Hawking's personal story is within the grasp of all, and grasp is the right word: it grips. He was a bright boy and youth, keen on mathematical problems and on dancing. He was bright, too, at Oxford but, he says, lazy:

> I was on the borderline between a first- and second-class degree. I had to be interviewed to determine which I should get. They asked me about my future plans. I replied that I wanted to do research. If they gave me a first, I would go to Cambridge. If they gave me a second, I would stay in Oxford. They gave me a first.

Hawking suffers from amyotrophic lateral sclerosis—Lou Gehrig's disease. The onset of the sclerosis, his marriage, and the arrival of his three children, in that order, are shown; further developments in his private life are not. We get a clear view of his present state and his mode of contending with his condition in order to get on with his work. Nurses are constantly in attendance. His office—a replica made for filming—is decorated with two large photos of Marilyn Monroe. (The closing credits thank the photographer Philippe Halsman for the right of reproduction here—a nicely anomalous touch for a film about a scientist.)

Hawking is not religious. The central question of his thinking, as put by a friend, is: "Why does the universe go to all the bother of existing?" It's not a

FILMS WORTH SEEING

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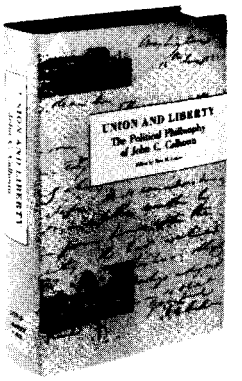

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question that would plague a religious person—at least, not phrased that way. Hawking, according to Michael White and John Gribbin in their biography, "is not an atheist; he simply finds the idea of faith something he cannot absorb into his view of the Universe." Perhaps it's as well for physics and the world that he (dis)believes as he does.

But more persists in this film than the fervor of a rationalist trying to move toward an explanation of everything—of more than everything. His very life apostrophizes the work being done in that life. Here is a scientist saved for science by science. Before the invention and development of computer technology and all the other sophisticated devices that make his being possible, he would long since have been merely a sad case, a mute prisoner within a useless body. He stands (figuratively, alas) in the forefront of science because other scientists have made it possible—almost a science-fiction figure, a nearly disembodied brain.

Within that empowerment by science, something seems to be happening for which scientific thought and research are ultimately only the medium. When we hear the deaf Beethoven's music or look at the maimed Renoir's paintings, we mutter about courage, physical and moral, about the fire of genius overcoming handicaps. Beneath that fire, however, there is another: the fire of self, the refusal of the ego, sheer ego, to be slighted by fate.

Few of us can judge Hawking's intellect, but any of us can sense that fire, that insistence of self on self. Stephen Hawking (thinks Stephen Hawking) is going to have only one chance, one time around, and before he slips into infinity, Hawking wants Hawking to make that chance the fullest one possible. He is the sole guardian of his particular collection of brain cells and curiosities, and illness or not, he seems amiably imperious in his intent to make the most of them. For this reason, along with several others, Morris's film about him is viscerally and intellectually thrilling. •

Who is Alfred Schnittke and why is his music so popular?

The Connoisseur of Chaos

By Alex Ross

In November 1938, when a dark-hued and dissonant work by the late Ernst Krenek was performed in Boston, the audience responded more generously than might have been the norm in a less dark-hued and dissonant time. A Brahmin matriarch turned to her companion and observed: "Conditions in Europe must be dreadful." That casual remark anticipated a mode of music appreciation that has become increasingly dominant in recent years. Twentieth-century scores have been reduced to bulletins from one crisis or another, sound tracks to history's docudrama. Symphonies signify the movements of armies; string quartets turn into coded diaries.

Music composed during the brief and spectacular lifetime of the Soviet Union is especially vulnerable to historically minded readings. Shostakovich is the most obvious target. He first advertised his works as affirmations of the regime, then privately advised us of alternative, seditious programs. Either way, he allowed himself to be relentlessly politicized. During the past twenty-five years, composers in what is now Russia and the other assorted republics have similarly spoken in a certain "tone," a voice that seems to mimic the Evil Empire's interminable decadence. Anarchic and synthetic, visionary and nostalgic, cynical and serene, music in the Brezhnev era was a midnight harvest, an *End-Zeit* that might one day draw comparisons to Mahler's Vienna or to Berlin and Paris between the wars. The government that once made Shostakovich's life a living hell may have lost interest in the tendencies of its composers, but the composers did not lose interest in the tendencies of their society.

Of the numerous major figures to inhabit the Soviet fin de siècle, a man named Alfred Schnittke has rapidly become the most notorious. Born in 1934 of Russian and German-Jewish descent, Schnittke has achieved international stature. His scores are being performed and recorded many times over. (The Swedish record label BIS intends to record all of his music, and has already imprinted sixteen hours of it on compact discs.) In this country, of course, Schnittke has become wildly trendy. He appears to sate the current American appetite for artists who brood at one moment and go wacky at the next. Audiences also listen to him eager for clues to the Russian enigma, and in that respect they are not disappointed.

All composers somehow reflect their times, and some composers do little else. Schnittke is a separate case. Conditions in Russia are indeed dreadful, but that is the least surprising news that this composer brings. He represents not only a moment in the history of Russia, but also a moment in the history of music. He will not vanish when his times are up. The multiplicity of styles, of schools, of genres; the weight of an impressive past; the brilliance and energy of present-day "popular" modes outside the classical tradition; the possibilities of a future in which parochial barriers will crumble away—all this is acutely observed in Schnittke's music, and at times epiphanically reconciled. He is the composer of our climate.

The wellspring of Schnittke's music is to be located in the moldering realm not of Leonid Brezhnev, but of Franz Josef II—in that archetypal twilight time, the twenty-five years before the outbreak of the First World War. A great many contemporary composers are beholden to the original and much-lamented fin de siècle, but Schnittke's debt is particularly penetrating and complicated. For he has overheard the paradoxes as well as the clichés of that era. He is a devotee of Mahler, but he has not attempted merely to replicate that master's luxurious immolation of Romanticism. He has set out, instead, to expand upon Mahler's last-minute discovery (realized fully in the incomplete Tenth Symphony) that the conflict of dissonance and consonance is the forge of the most intense expression. An even more important legacy from Mahler is the recurrent juxtaposition of elegy and satire, though that technique could have been derived as well from Mahler's non-identical twin Satie.

No young Soviet composer could escape the shadow of Shostakovich. But Schnittke, again, does not ape the platitudes enshrined in today's concert halls. In place of the monumental Fifth Symphony, it is the willfully chaotic Fourth—hidden for decades in Shostakovich's desk drawer—that has fascinated him; he hears in it an expanded "polyphony" of competing styles and structures. He also prefers Shostako-

Alex Ross writes about music for *Fanfare* and *The New York Times*.

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vich's radical-Bolshevik satire in the sardonic ballets and film scores of the early '30s to the socialist-realist tragedy of the later symphonies. At the dawn of Lenin's brave new world, Shostakovich inaugurated a fusion of Mahlerian expressionism and quasi-dadaist satire that Schnittke was later able to complete in the dusk of Brezhnev's decrepit monolith.

Shostakovich's "polyphonic" Fourth Symphony—often peripatetic in layout, at times a mere anthology of banal dances and aimless marches, passing from chillingly spare chamber music to near anarchic *fortissimi* for full orchestra—came to light at the beginning of the '60s. The composer himself had canceled the premiere after being declared an "enemy of the people" by Stalin in 1936. Such was the end of Bolshevism's progressive period in music. Other documents of that era are becoming better known, although they have always enjoyed clandestine fame: the refined atonal works of Nikolai Roslavetz and Arthur Lourié, both of whom pioneered twelve-tone systems before Schoenberg; futuristic tone-poems like Alexander Mossolov's *The Iron Foundry*; and hybrid experiments like Vladimir Deshevov's *The Red Hurricane*, mingling ballet, opera, dramatic recitation, and vaudeville.

The efflorescence of musical experimentation that was brutally cut short in the 1930s seemed to resume abruptly after the ouster of Khrushchev in 1964. Brezhnev's cultural authorities would never fully reassert their hold over what should and should not be composed; with the rise of pop, a new and more powerful threat to social and cultural conformity, they may not have cared. Not that the new commissars lacked occasions for consternation. They could not have been pleased, say, by the early works of the Estonian composer Arvo Pärt, music that leaped at a moment's notice from aleatory dissonance to Tchaikovsky. A group of Ukrainian composers wrote in minimalist and eclectic modes through the late '60s and '70s, well in advance of American trends. And then there was the extraordinary figure of Sofia Gubaidulina, who has pursued her own highly individual path through various movements and styles. (The current Western cult of Schnittke may soon give way to long overdue enthusiasm for her music.)

Schnittke kept a low profile through the disarray of the '60s. Favorite son of a town called Engels, he began expectedly with a *Nagasaki* oratorio (1958) and *Songs of War and Peace* (1959), whose performance he now discourages. Then, during the chilly Khrushchev thaw, he ventured into twelve-tone or "serial" composition. The results were not startling, but neither were they doctrinaire. The final movement of his Violin Sonata No. 1 (1963) is unobjectionable from the academic point of view, and yet a difference can already be observed: the rhythms are wry and engaging in a way that is alien to the Schoenberg/Boulez sensibility. The finale is positively danceable.

Other works from this period show similar peculiarities, but for the most part the composer was biding his time:

> My musical development took a course similar to that of some friends and colleagues, across piano concerto romanticism, neoclassic academicism, and attempts at eclectic synthesis . . . , and took cognizance also of the unavoidable proofs of masculinity in serial self-denial. Having arrived at the final station, I decided to get off the already overcrowded train. Since then I have tried to proceed on foot.

This walking journey has been remarkable not for any new ground that it happens to cross, but for the personal vistas it opens among familiar landmarks. Schnittke has fashioned a language from ways of observing. His distinct and individual accent is audible in every bar, even

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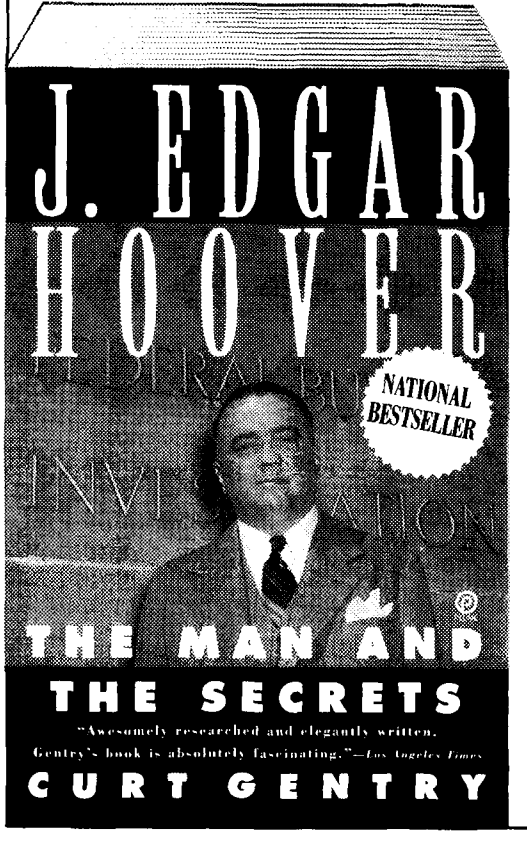

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amid the prevalent carnival of styles. He does the composers in different voices, but we always know who is speaking.

As it first became known in the West, Schnittke's music did not make so strong an impression. A retiring man who does not enjoy speaking to the press, Schnittke has permitted others to speak for him, and his friends in the West have sometimes chosen lesser works to get his name before the public. *Silent Night,* for violin and piano, was composed in 1978 as a holiday greeting for Gidon Kremer. With a breathtaking economy of means, Schnittke managed to turn the song into a miniature nightmare, sort of Christmas at Anselm Kiefer's. The violinist took to performing it in public and caused consternation on a national level in Austria, where Gruber's Yuletide anthem is considered sacred ground. In a similar vein, Schnittke's cadenza for the Beethoven Violin Concerto rambles away from its core material and quotes strains of other famous concertos, while turning Beethoven's introductory timpani motif into an obsessive rant. Another short work is self-evidently titled *Moz-Art* ("Mozart/sort of").

These acidic bonbons misrepresent Schnittke as a facile ironist, but they do give an approximate sense of his method. Nearly all of the major works are built around a moment when scraps of historical material are put under pressure from the present. According to the violinist Oleh Krysa, Schnittke has described this moment as a sometimes involuntary epiphany: "I set down a beautiful chord on paper—and suddenly it rusts." He has a particular fondness for undoing and transforming the sediments of Vienna's golden age, the arcadian period from Haydn to Schubert. Veins of dissonance are marbled into a wistful turn of phrase, to the point where historical classifications become useless. This creative corrupting of source material proceeds sometimes at a sinister and gradual pace, sometimes more abruptly. The pastiche passage might break off with cluster chords and fisted dissonances, in the manner of a piano student getting fed up with his assigned piece of sight-reading.

Such gestures of musical delinquency are at the heart of Schnittke's constructive self-doubt as a composer. But the "stylistic modulations" never give a sense of arbitrariness, of random rummaging. Schnittke is always using the juxtaposition of styles to tell a story. One of his most startling interventions into the musical past comes in the second movement of a recent work, peculiarly titled Concerto Grosso No. 4/Symphony No. 5. Mahler's teenage sketches for a Piano Quartet are amplified beyond recognition by a confused and angry orchestra; after a final, gong-splattered climax of tension, the Mahler fragment is heard in its original form, beginning confidently but soon drifting off into isolated figures and hints of figures. The movement as a whole is structured so that Mahler's boyish thoughts sound like the logical completion of a late twentieth-century symphonic span. What Schnittke begins, Mahler finishes.

A fairly considerable fraction of Schnittke's output falls into the category of "anti-music," aiming to demonstrate the seeming foolishness of composition at this late date in the twentieth century. Much of the confusion and the controversy over his work probably emanates from an overfamiliarity with these extrovert exercises in self-deconstruction. The Violin Sonata No. 2 (*Quasi una Sonata*), the first piece composed after Schnittke's decisive break from twelve-tone writing in 1968, is perhaps his most strenuous exercise in futility. A "borderline case of sonata form," it never seems to get past a confident opening chord of G minor. As a "report on the impossibility of the sonata," it resembles many other works of the late-modernist era; the composer himself compares it to Fellini's *8 1/2*, in which a film director is incapable of completing, or even beginning, his much-anticipated masterpiece.

Schnittke has composed five symphonies, mostly out of a sense of duty: "I do not know whether or not the symphony will survive as a musical form. I very much hope that it will and I attempt to compose symphonies, although it is clear to me that logically it is pointless." None of the symphonies conforms to the traditional symphonic plot, although all exceed forty minutes in length. The most remarkable is the Symphony No. 1, written in 1974. It is perhaps the apex of unruliness in Schnittke's output. Miraculously, the piece was performed in the Soviet Union soon after its composition, apparently even with the private blessing of Tikhon Khrennikov, the longtime head of the Soviet composers' union who helped instigate the musical purges of 1948. Future scholars will have to explain how this work came to be praised for "civic-mindedness and patriotism." It is true that in the '70s classical composition was no longer subject to the deadly scrutiny of Stalinist henchmen, but conditions persisted in which the setting to music of Brezhnev's diaries (for example) was a potentially useful act of self-abasement.

Bedlam erupts in the very first bars of Schnittke's first symphony, and never really subsides. Jazz combos do not merely add flavor to the texture, as they do in many urbane twentieth-century scores; they actually take charge of the piece for considerable stretches. From time to time the full orchestra attempts to bring the madness to a halt, with a loud minor chord heavy on the interval of the third, but the warning goes unheeded. The second movement opens with a lampoon of baroque music that falls quickly into disrepair. At the outset of the fourth movement, a trumpet plays the lilting second theme from the funeral march movement of Chopin's Piano Sonata No. 2, significant in the annals of musical satire for its refurbishment as kitsch in Satie's *Embryons desséchés.* The Chopin tune is the fanfare for an unrestrained five minutes of mayhem, in which Tchaikovsky's First Piano Concerto (among other works) fights like a wounded animal against a remorseless fusillade of sound.

The Symphony No. 1 makes an especially dramatic impact in live performance, with choreography supplied in the score for the musicians as they wander on and off the stage. (The only possible precedent for this work in the symphonic repertoire is Haydn's *Farewell.*) Schnittke has followed to its logical extreme the creed once voiced by Mahler, that "the symphony must be like the world, it must embrace everything." Western musical history is re-created as a barrage of garbled transmissions, a radio receiving many stations on a single channel. Despite its veneer of goofiness, this triumph of planned anarchy has a simple and serious effect. It produces the sound of music rather than music itself—what is overheard by a society that no longer knows how to listen. The society in question need not be Soviet or Russian.

If Schnittke were only an imp of the perverse, a composer of quasi-sonatas and non-symphonies, he would be just another darling of the avant-garde. Since the mid-'70s, however, he has approached the sacred genres of classical music more reverently: in the compact and emotionally intense Piano Quintet (1972/76), in the choral-orchestral Symphony No. 2 (1980) inspired by the St. Florian monastery where Bruckner performed and composed, and in the staggering two-movement String Trio (1985), dedicated to and worthy of the memory of Berg. And in writing a series of concertos for soloist and orchestra between 1978 and 1985, Schnittke has achieved an unusually accessible balance of competing styles with his own unmistakable timbre—an extension of the technique of

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Berg's Violin Concerto, in which a progressive style served as frame for a rich and haunting succession of recollections and recombinations. Adorno, who studied with Berg, called his teacher's valedictory work a "concerto for composer and orchestra." Schnittke's concertos seem like a series of fantasies on this idea, with the soloist ventriloquizing the composer's lonely voice as he negotiates his way across the mine field of tradition.

The Violin Concerto No. 3 (1978) inaugurated Schnittke's great concertante sequence. Its first movement tersely presents the various thematic materials from which the work will grow. A second movement interrogates that material to the point where it breaks down. In the finale, atonal argument is disrupted by the entrance of a straightforward and deliberately second-rate exercise in German Romanticism ("forest music," the composer calls it). A slow reopening of musical archives follows, ending in a chorale passage cast in the moody splendor of Russian Orthodoxy. The violin's wailing trills at the outset are, in retrospect, the beseechings of a chanter whom the orchestra at first confounds and then eventually follows en masse. Opening unexpected depths in a customarily virtuoso genre, the score stands alongside Gubaidulina's *Offertorium* (1980) as one of the late twentieth-century's great violin concertos.

Unlike Arvo Pärt, another "kindred soul" who abandoned exuberant polystylistic exercises in the '60s for a uniform and deadly serious regeneration of medieval modes, Schnittke cannot permit a clean escape. The Concerto for Piano and String Orchestra (1979) again introduces a chorale in the old-Russian manner, but then catches it in a dissonant web of sound—noises from the twentieth-century street. And in the Violin Concerto No. 4 (1984), the orchestra's nostalgic forest murmurs are a "*fatum banale*," an inescapable platitude that receives fatal wounds in the first movement but haunts the entire span of the work. Negotiations between soloist and orchestra break off completely in the second movement; the violin is reduced to performing a "*cadenza visuale*," frantic motions of virtuosic showmanship that emit no sound. But these exercises in an old-fashioned medium are more notable for their subtle fluidity of musical construction than for any spectacular attempts at self-detonation.

The tendency toward musical reconstruction is especially apparent in the Viola Concerto of 1985, written shortly before Schnittke suffered a near-fatal stroke. This work is notable first for its dazzling exploitation of the possibilities of the viola's sound, combining the brilliance of the violin and the sonorousness of the cello. The ambivalence of the instrument is perfectly suited to the composer's predilections. The three-movement structure recalls the Violin Concerto No. 3, though it is wider in scope. In the histrionic second movement, Schnittke accomplishes what may be his most impressive conjuring act so far: the gradual transformation of a blithe German-Romantic motif into a ruthless, hammering act of orchestral rage. Everything leads up to, and then retreats from, this enthralling gesture. The violist Yuri Bashmet (to whom the piece is dedicated) conceives the solo part as a Barrymore-like dramatic role, and his brilliant performances have made the concerto one of the most publicly effective of Schnittke's works.

Schnittke's course since 1985 is difficult to trace. The composer has told his friends that a "series B" has commenced, in which everything must be different. Even before his brush with death seven years ago, signs of a new direction were beginning to appear. The tremendously moving Concerto for Choir (1985), based on medieval Armenian poetry, seemed to indicate a tendency toward simplicity, a whittling down of musical means. Several new works conform to this trend, but others do not. The recently premiered opera *Life with an*

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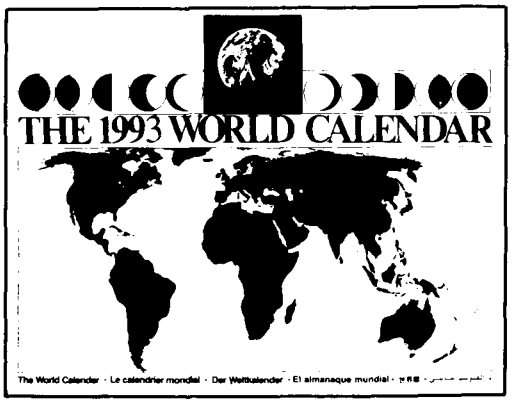

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Idiot is reported to be another romp in the satiric line, while the powerful and humorless Cello Concerto No. 2 (written for Mstislav Rostropovich) piles clouds of dissonance upon a grim theme that first appeared in Schnittke's music for the 1974 film *Agony*. The emergence of glasnost in the Soviet Union, a decade after his own spooky prophecy of it in the '70s, evidently has not moved Schnittke to celebration. He now lives in Hamburg, Germany.

The various tendencies exhibited by Schnittke's recent works pale before the possibilities suggested by his theoretical writings, which have not been translated in the West but might prove tremendously influential. In English and German interviews, he has meditated on the boundaries of classical composition and on the emergence of an eventual synthesis in which genres will become obsolete. He reports that his own experience writing for the Soviet cinema (some sixty scores in all, including several for cartoons) has played an important role in the development of his montage techniques, particularly in the Symphony No. 1.

Addressing the "commercial abyss" separating classical composition from "so-called light music," Schnittke has said: "Perhaps I am thinking in utopian terms, but maybe there is a way to bridge this abyss—a way that may be the challenge for the next generation. Contemporary reality will make it necessary to experience all the music one has heard since childhood, including rock and jazz and classical and all other forms, [as] a synthesis. This has not happened in my generation." He is an admirer of jazz fusion, and speaks of a "border-complex" of fused genres as a compositional ideal. But here we enter dangerous territory. The harrowing revelation in store for artists who have previously attempted to "cross over" the border between classical music and popular music—the bathetic spectacle of Carl Davis and Paul McCartney's *Liverpool Oratorio* comes to mind—is that the burden of bathos falls not on the rock performer, but on the classical musician who samples his aura.

Schnittke's own ventures across the border have been cautious but effective. Elements of jazz appear throughout his music, although he seems not to have been influenced by the fractal dissonances of free jazz. (A meeting of Alfred Schnittke and Cecil Taylor might change the world.) Here and there one finds fascinating intrusions of a rock aesthetic. Electric guitars flavor such works as the Symphony No. 2 and the highly peculiar *Requiem* (1975), whose "Credo" is also propelled by the syncopated stylings of a basement drum set. And in the cantata *Seid nüchtern und wachet* of 1983, a setting of the sixteenth-century *History of Dr. Johann Faust*, the gruesome scene of Faust's going under is delivered by a satanically amplified mezzo-soprano. (In the BIS recording, Inger Blom presides over a hectic cabaret orchestra like some Ethel Merman of the end of days.) It may not amount to "ordinary rock music," as the composer intended, but it stuns listeners all the same. The cantata is one of Schnittke's most viscerally thrilling pieces.

There is another, more primary border that Schnittke has put into question. From beginning to end, his music has been haunted by a man who does not, and never did, exist: Adrian Leverkühn, the composer-protagonist of Thomas Mann's novel *Doctor Faustus*. Schnittke's Faust cantata employs the very same medieval German text used in Leverkühn's final composition, *The Lamentations of Dr. Faustus*. More significantly, Schnittke's methodology of parody, of "polystylistics" and playing with forms, also recalls Leverkühn, whose works were a musical endpoint at which all possibilities were combined and then destroyed. A Soviet musicologist who has interviewed Schnittke extensively has gone so far as to state that the composer "internalized" Mann's novel: "The book has been a program for him." There could be no better evocation of the atmosphere prevailing in Schnittke's finest music than this description of a passage from Leverkühn's *Apocalypse* oratorio:

> Adrian's capacity for mocking imitation, which was rooted deep in the melancholy of his being, became creative here in the parody of the different musical styles in which the insipid wantonness of hell indulges: French impressionism is burlesqued, along with bourgeois drawing-room music, Tchaikovsky, music-hall, the syncopations and rhythmic somersaults of jazz—like a tilting-ring it goes round and round, gaily glittering, above the fundamental utterance of the main orchestra, which, grave, somber, and complex, asserts with radical severity the intellectual level of the work as a whole.

Yet Schnittke does not fall prey to the "aristocratic nihilism" that shadows Leverkühn, or to his colossal aloofness and condescension. The "tilting-ring" that goes round and round in Schnittke's works might be either the insipid wantonness of light music or the grave and serious classical tradition itself. His capacity for mocking imitation looks like a secret urge for that clangorous realm outside the classical. In the end, it is only melancholy that holds Schnittke to the tradition.

A Faustian four-and-twenty years have now passed since Schnittke abandoned himself to musical freedom. His music lays itself out like a documentary record—not a transcript of the crises of any particular moment, but a confession of the unease that has gathered around the practice of classical composition. As the devil tells Leverkühn, twentieth-century music has an aspect of the "highbrow swindle" about it. Schnittke has dropped the pretense of the total, self-contained work of art, and the dreadful condition that he puts in its place has a ring of truth. His chaos clarifies, his drift is mastery. •

Late December

While it's true that some conspiracy of stars
Persuades the eye the lumbering clouds are green,
That's beyond the pane, in the outer darkness.
Here the only green thing going is the spindly
Spiderplant at the window, and it looks cold.

Or look again: Is there a caught breath of green
In the curtain we may have just seen stirring?
It's not breath enough to quicken an ember.
The room is entirely lit by ice or snow,
Whatever sends that blue glaze through the window,

Furrows of snow or else the scraped sheen of ice
On a pond abandoned even by shadows.
The fire's gone cold that was in another room.
The man who sat here while it died was reading,
Lear it could have been, and he wanted weather

In view when he lifted his eyes from the page.
Now the shrill metal chair, brought in from the lawn
At summer's end, is empty, an odd blanket
Lapped over it like a mantle of snow
Or the folds of his last thought as he sat here:

In order to make believable Lear's cry
When he draped the cold Cordelia in his arms,
One consummate player sealed his civil tongue
To a scrap of dry ice, then emptied his throat
Of the sound the tearing away brought out of it.

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Look who's attacking and defending free speech.

The First Amendment Wars

By Kathleen M. Sullivan

Free speech law is a little bit like California. On the surface there is sunny tranquillity, but underneath the fault lines deepen. The tranquil part is the convergence of liberals and conservatives on a free speech libertarian mainstream. A few years ago Justice William Brennan, the liberal superhero, led a majority to uphold the free speech rights of Maoist flag-burners, against Texas and against Congress and the president. In the term just finished, Justice Antonin Scalia—a Reagan appointee and the guardian of the Court's right flank—led the Court, in *City of St. Paul* v. RAV, to uphold the free speech rights of a white supremacist who burned a cross on a black family's lawn. The cross-burner could be punished for arson, terrorism, or trespass, but not for "arousing anger, alarm, or resentment in others on the basis of race."

The flag-burning case and the cross-burning case had more in common than fire. In both settings the Court denied the power of government to suppress symbolic conduct for reason of its message, no matter how viscerally sickening that conduct and that message might be to people looking on. What was Scalia doing in Brennan's shoes? Weren't the Reagan and Bush administrations, after twelve years in power and the chance to fill five Supreme Court vacancies, supposed to have worked a conservative revolution at the Court? Well, it may have happened on habeas corpus, but there has been significant continuity on free speech.

Still, you don't have to be a seismologist to detect the pressures beneath the surface. A range of free speech controversies suggests how narrow and perhaps unstable the above-ground consensus turns out be. Consider first the problems that arise when speech falls outside the First Amendment's central censor-free zone of politics and public affairs. Lately controversies have raged most prominently over sexually explicit art and entertainment—the soft underbelly of the First Amendment. Obscenity law burst out of skid row and into the art museum and the record store in the Mapplethorpe trial in Cincinnati and the trials of 2 Live Crew in Florida. And sexually provocative photographs and performance art brought on the troubles of the National Endowment for the Arts.

The NEA controversy also revealed a second kind of free speech fault line: the disagreement over whether the First Amendment applies to carrots as well as sticks. Government often tries to control speech through funding rather than force. Recall the Bush administration's "gag order" that instructed family planning clinics not to use any public funds to counsel, or refer women for, abortion. The Supreme Court upheld this condition last year in *Rust* v. *Sullivan*, suggesting that he who pays the piper calls the tune. How far does this principle go? It remains to be tested in the arts funding and other controversies. A federal court in Los Angeles recently held, for example, that the First Amendment bars the government from telling artists who receive NEA grants to hew to the "general standards of decency of the American people." Try telling that to President Bush. Under campaign pressure from Patrick Buchanan, he cashiered the vacillating John Frohnmayer for the more fire-breathing Anne-Imelda Radice to play decency czar at the NEA.

A third fault line is perhaps the most destabilizing. Old-fashioned free speech libertarians were always sure who the enemy was: government wielding the awesome power of the state. But some groups left of center now challenge this age-old demonology. Threats to true free speech,

Girls Lean Back Everywhere: The Law of Obscenity and the Assault on Genius
by Edward de Grazia
(Random House, 814 pp., $30)

Alien Ink: The FBI's War on Freedom of Expression
by Natalie Robins
(Morrow, 495 pp., $27.50)

Free Speech in an Open Society
by Rodney A. Smolla
(Knopf, 429 pp., $27.50)

KATHLEEN M. SULLIVAN teaches at Harvard Law School and is the author of *Art on Trial*, forthcoming from W. W. Norton.

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lib•er•al (lib´er-el, lib´rel) adj. 1. Favoring individual freedom and nonrevolutionary reform. 2. Broad-minded. 3. Generous.
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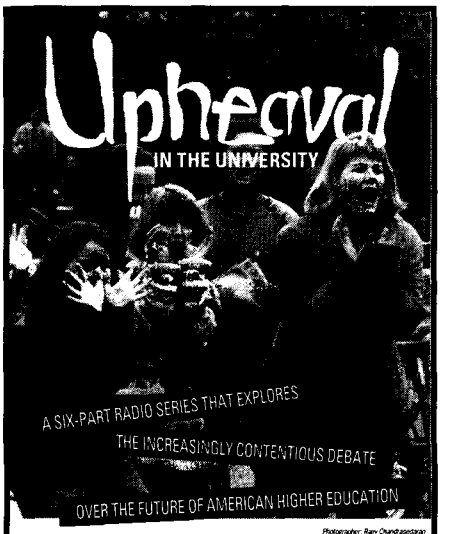

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they say, may come as much from private power as from the state. The influence of money skews political campaigns. A subtle reign of racist, sexist, and homophobic verbal terror silences minorities on college campuses. And pornography represents the boot of man on woman's neck, stifling any voice that might talk back. The solution? See the government as a savior rather than a bogeyman; see the state not as a sword but a shield. Enact regulations to silence the voices of the powerful in order that the silenced may be heard. Government has long redistributed bargaining power in economic markets. Now, the critics say, it's time to redistribute speaking power in the marketplace of ideas.

Needless to say, these divisions mess up the First Amendment scorecard. It used to be that censorship was associated with the right and free speech libertarianism with the left. Now it's as if the players keep rearranging themselves in the lineup in the night. Thus radical feminists team up with right-wing family-values fundamentalists to contend that pornography oppresses women. To make the problem worse, the fervor of free speech absolutism seems to be moving rightward just as calls for new speech restrictions migrate left. Commercial advertisers, for example, have found First Amendment religion: in its battle against tobacco advertising bans, Philip Morris sounds like the second coming of the ACLU, invoking the Framers for the proposition that government should keep out of the free marketplace of ideas.

So have the free speech battles of most of the twentieth century been settled, or is the free speech big one close at hand? The truth lies somewhere in between. There is near universal agreement now, as there was not in 1919 or 1954, that political dissent may not be subject to the coercive power of the state. But beyond that core commitment, the consensus dissipates. Confronted with new contexts and new counterarguments, free speech libertarianism is sometimes invoked as an article of faith. The world is sorted into good and evil, light and dark, freedom and censorship. Advocates of new speech restrictions are branded as old censors in mutant form. But the new critics are unmoved by the wielding of the First Amendment as a talisman. They demand that those who defend free speech libertarianism marshal arguments instead.

Three recent books richly illustrate the tension between First Amendment faith and reason. Edward de Grazia's book *Girls Lean Back Everywhere* is a voluminous chronicle of American obscenity law, informed by the author's experience as a lawyer fighting in the First Amendment trenches on behalf of Henry Miller, William Burroughs, and other literary iconoclasts. Natalie Robins's *Alien Ink* is a documentary account of the FBI's astonishingly extensive surveillance of twentieth-century American writers under the forty-seven-year reign of J. Edgar Hoover, based on files that the author disgorged from the government under the Freedom of Information Act and supplemented by interviews with surviving witnesses that serve nicely as an intermittent Greek chorus in the book. Both books are mother lodes of intriguing gossip, tidbits, and anecdotes. And each treats the clash of free speech and censorship similarly: as an epic battle to be told in dualistic terms.

Rodney A. Smolla's *Free Speech in an Open Society*, by contrast, takes a more complicated and analytical approach. Smolla covers lucidly a wide range of contemporary problems in free speech law, from flag-burning and hate speech to outing and new technologies. He identifies the key division in the free speech landscape as that between individualism and communitarianism, or a collective and legally enforceable vision of the good. He generally reaches libertarian conclusions, but he agonizes along the way, treating communitarian positions with fairness and respect. In a pinch, though, Smolla too tends to fall back on demonizing dualisms ("Outrage, self-righteousness, and paranoia feed the maw of censorship") and to take for granted some of the very distinctions (speech/conduct, public/private) whose coherence the critics attack.

All three books reflect the sensibilities of the modern free speech consensus, which might be said to rest on the twin pillars of agnosticism and materialism. Free speech agnosticism means that government may not pick and choose among ideas, nor enforce an official orthodoxy by making political heresy a crime. Truth, like beauty, is in the eye of the beholder. Better to leave such matters to individual and social judgment than to majority vote. Such an arrangement will respect human autonomy, advance the truth, facilitate democracy, or some combination of the three.

Free speech materialism holds that speech is privileged above conduct. Government may regulate bodies, but not hearts and minds. Speech may not be curtailed in order to protect people from psychic injury or emotional distress. True, speech may be banned when it will cause real material harm, but the danger that speech will cause such harm must not be loosely hypothesized. Domino theories will not do. Only credible triggers to imminent violence are sufficient. Inciting a lynch mob, yes; preaching white supremacy, no.

Against this backdrop of agnosticism and materialism, the impulse to censor appears as a pathology for which the First Amendment is the cure. The pathological view of censorship is traceable to Justices Louis Brandeis and Oliver Wendell Holmes. In Red scares earlier in the century, they wrote that suppressing the speech of "poor and puny anonymities" or "a silly leaflet by an unknown man" was cowardly or even paranoid. The censors' fears were delusional: "Men feared witches and burned women," Brandeis wrote. Enter the First Amendment as therapy: "It is the function of free speech to free men from the bondage of irrational fears."

Both de Grazia's and Robins's books follow this tradition. *Girls Lean Back Everywhere* suggests that the pathology of sexual censorship tracks that of political censorship, with sex panics substituting for Red scares, and artists from Joyce and Lawrence to Lenny Bruce and Karen Finley playing the revolutionary role. As de Grazia tells the story, sexual dissent and political dissent are siblings: both defy old orthodoxies and destabilize fixed beliefs. He would get no quarrel from Hoover, for whom, as Robins tells us, the lines between political and cultural subversion were blurred. Just as Brandeis said "fear no witches," de Grazia and Robins say "fear no art."

Alien Ink contributes some nice new twists on the pathology of censorship. Robins quotes the playwright Arthur Miller as saying that "envy of creative people" drove the bureaucrats to focus on famous artists rather than "the *real* left guys"; when Miller was called before HUAC, the committee chair gave himself away when he offered to "call the whole thing off if he could take a picture with Marilyn." And along with fear and envy, there was pride: criticism of the FBI or Hoover was a sure-fire way for a writer to get a file opened. This even happened to William F. Buckley Jr. when he ran a parody of Hoover in *National Review*.

Finally there was a kind of fetishism of the very things sought to be suppressed. Robins documents Hoover's denunciation of talk about his own homosexuality as the work of "depraved" or "degenerate" minds. Meanwhile he kept an extensive private file on "obscenity" and kept obsessive track of writers' sexual proclivities. (In the file on James Baldwin is a note from Hoover asking, "Isn't Baldwin a well known pervert?") De Grazia seems to suspect a similar fetishism on the part of anti-pornography feminists. Quoting extensive sexually explicit passages from her

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THE PUBLIC POLICY BULLETIN BOARD℠ IS AN ADVERTISING SERVICE OF THE NEW REPUBLIC

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novel *Fire and Ice*, he suggests that Andrea Dworkin herself produces what would count as pornography under the definition that she has sought to enact into an anti-pornography law.

Censorship, in short, plays in these books as madness. It was as if "someone was sort of deranged," said Buckley to Robins about Hoover's surveillance orders. De Grazia's red-faced prosecutors—endlessly reading sexual passages aloud in court—make good candidates for derangement themselves. But his portrait of madness warring on genius, while it makes for fascinating reading, oversimplifies the debate. He claims a greater victory over sexual censorship than is justified by contemporary obscenity law. And by casting contemporary anti-pornography advocates as old puritans in new bluestockings, he distracts attention from the answers to their arguments.

Sexual iconoclasm has never achieved the liberation that the modern free speech consensus has accorded political iconoclasm. "Obscenity" remains outside the bounds of First Amendment protection, meaning that it may be regulated or even banned. On the other hand, the category of "obscenity" has been narrowed. Under the 1973 decision *Miller* v. *California*, it must meet a three-part test: it must appeal to prurient interest, be patently offensive, and lack serious artistic, literary, political, or scientific value. The first two parts of this test are incoherent: to put it crudely, they require the audience to be turned on and grossed out at the same time. Few judges and juries like to admit personally to being in such a double state. It is thus no accident that the sporadic revivals of obscenity law tend to come at the expense of "deviant" sexual subcultures such as gay sadomasochists or "oversexed" black youths. That way the legal system can deem the material someone else's turn-on but offensive to the community at large.

The escape hatch for First Amendment lawyers lies in the third part of the test, and in a series of central chapters de Grazia nicely demonstrates its strategic cleverness. "Serious value" became the kicker that could separate art from porn. All you needed was a good expert witness or two. Recall that at the Mapplethorpe trial a few years ago, the art expert who curated the exhibit took the witness stand and patiently explained that a picture of a penis with a finger inserted in it should be understood as a "very ordered, classical composition." Likewise, literature professors testifying in the 2 Live Crew trial expounded on the literary techniques of metaphor, hyperbole, and personification in "Me So Horny" and "Dick Almighty." Both times it worked.

The "serious value" test has thus had great practical utility for mainstream publishers. And yet *Miller* remains a conceptual disaster area. Under the agnosticism that is now canonical in matters of political speech, judgments of "offensiveness" or "value" are exactly what the First Amendment is supposed to leave to individuals, not to government. For sexual speech, however, the *Miller* test allows such judgments to be made by legislatures and courts—where emissaries from the cultural elite may be brought in to put one over on the jury. The choice between poetry and pushpin is normally left to us. Why should the choice between poetry and pornography be different?

Three arguments have been advanced for giving sexual speech such second-class First Amendment citizenship. The first is that sexual literature is closer to conduct than speech, that words and pictures here are just sexual aids that bypass the brain for the groin. But this will not do: in other areas of speech law, the Court has long acknowledged that speech touches hearts as well as minds. "Words are often chosen as much for their emotive as their cognitive force," the Court said in upholding the right of a war protester to wear a jacket emblazoned "Fuck the Draft." It would be a psychological throwback to draw the line farther down the body and hold that all speech value is negated by the stimulation of sexual desire.

The second argument concedes that sexual speech is speech but holds that it causes bad conduct. The old-fashioned variant of this view is that obscenity causes "corruption." This is the argument that the heroine of de Grazia's title fought against in vain. *Girls Lean Back Everywhere* quotes the testimony of publisher Jane Heap, tried in 1920 in New York on obscenity charges for publishing the "Nausicaa" chapter of James Joyce's *Ulysses*. In that episode, the young Gertie McDowell leans back to watch a fireworks display, and Leopold Bloom is aroused by the glimpse he gets of her knickers. "Girls lean back everywhere," said Heap, and everywhere men are aroused, but "no one is corrupted." This did not prevent her conviction.

In today's anti-pornography revival, sexual violence has eclipsed corruption as the leading harm said to be caused by pornography. Pending in Congress, for example, is a "Pornography Victims' Compensation" bill that would permit damages awards against publishers if their readers later commit sexual crimes. Such a loose causal theory would never wash today for political speech, which can be punished only if it incites imminent violence. The empirical evidence that pornography causes sexual violence is highly equivocal, and in any event there is the matter of free will. We don't permit lawsuits against Marx's publisher when *Das Kapital* is found in a terrorist's back pocket. Advocates of pornography restrictions sometimes respond that the rules for political speech should not apply to sexual speech because sexual speech has "lower value." But where does such a judgment come from? True, sexual speech may not resemble the discourse of electoral politics that many would place at the core of First Amendment protection. But neither does most art and entertainment, and nobody argues seriously that all art and entertainment is low-value speech. If the argument is that sex videos appeal to baser instincts than opera or ballet, then we're back at argument one.

A third argument rejects the distinction between speech and conduct altogether. Though often confused with the second argument, this one is different and more subtle, but in the end it is also deeply flawed. The Catherine MacKinnon-Andrea Dworkin school of feminism argues that pornography is sex discrimination, a practice that subordinates women to men. The argument here is not that pornography causes the sexual subordination of women to men, but that it constitutes it. Speech and conduct are continuous; ideas construct reality and reflect it back. If you want to change reality, you have to change the speech that constructs reality. Pornography eroticizes the male assertion of power over women—or over men in women's place (homoerotic materials get no bye). Anti-pornography laws are re-education devices to take the kick out of sexual domination, and so to reconstruct the world.

Ordinances enacted on this theory have been invalidated in American courts, though Canada recently bought something like it as a rationalization for a traditional anti-obscenity law. Judge Frank Easterbrook, who wrote the leading American decision, accepted the premise but not the conclusion of the social construction argument. "Pornography is an aspect of dominance. It does not persuade people so much as change them. It works by socializing.... Yet this simply demonstrates the power of pornography as speech." Permitting sexually explicit images of women as equal but not as submissive, he held, was viewpoint discrimination or "thought control."

Which brings us back to the subversive power of writers and artists in general. On the social construction theory, Hoover was right. True, no imminent material harm was at stake when he unleashed his spies and dirty tricks on writers from John Reed to Amiri Baraka, based on nothing

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more than rumor or gossip about their Communist, anti-war, or civil rights affiliations. And Robins is right to say that this grotesque departure from the usual harm principles never should have happened in America, that it took a chilling toll on many lives. But it does not follow that writers are innocuous, or "silly," "poor," or "puny," to borrow some adjectives from Holmes. As Holmes himself said elsewhere, "Every idea is an incitement."

One may, with Holmes and Easterbrook, accept the premise that speech has a socializing function and still reject the conclusion that government may stop speech that constructs us in ways that it does not like. Return for a moment to the MacKinnonite argument that pornography is the construction of a rigid sexual hierarchy: man's boot on woman's neck. This is controversial even as a descriptive matter. The short answer comes from Norman Mailer, whom de Grazia quotes as saying he's seen "any number of pornographic films where you have girls sitting on guys' heads." The long answer is the one articulated by the many prominent feminists who have opposed the MacKinnonites: if social convention, backed by religion and law, confines sexuality to the heterosexual, monogamous, marital, familial, and reproductive, then the ambisexual, promiscuous, adulterous, selfish, and gratification-centered world of pornography is a charter of sexual revolution that is potentially liberating rather than confining for women. Similarly, in a world where sodomy may still be made a crime, gay pornography is the samizdat of the oppressed.

But even if the MacKinnonites were right descriptively, it would not follow that laws should be enacted to purge images of power and dominance from depictions of sex. At the heart of their theory is a massive non sequitur: that epistemology entails polity. It simply isn't so. The observation that pornography constructs and is constructed by gender hierarchy simply cannot decide the question of what institutional arrangements are the best response. Why prefer a top-down approach to a bottom-up one? If you don't like what's being eroticized, then eroticize something else.

The usual answer is that such decentralized erotic revisionism is impossible so long as gender power is so unequal. Again, this claim is descriptively dubious; Madonna alone is enough to give one pause. But if the MacKinnonites' claims about the male-dominated power structure are true, then it is simply naive to suppose that it would actually commit the cultural suicide they prescribe. In practice, new laws against the eroticization of pain or humiliation would be far more likely to be used against Mapplethorpe than against *Deep Throat*. That's what happens when you try to change culture before power in a greatly unequal world. In any event, an imposition of sexual orthodoxy from the top down limits the ground for imagining ways of evolving and transcending existing sexual practices. Marking "sexual domination" off limits prevents it from being creatively transformed; the master's tools cannot be used to dismantle the master's house. If erotic imagination has been constricted in this enterprise, that is partly the fault of existing anti-obscenity laws. Reconstructing sexuality would be easier if the regulation of sexually explicit speech were eliminated rather than recast.

So much for the difficulties of the distinction between speech and conduct. An even bigger fault line along which the great modern free speech consensus is starting to come apart—crack! fissure!—is the distinction between public and private. In a variety of free speech controversies, the right wants to treat more public actions as private and the left wants to do the reverse—to reconceive much "private" action as susceptible to public control. The critics from both directions are surely right that public/private is more a continuum than a divide. But it does not follow automatically that existing law should be revised.

It will help to start by reviewing the basic assumptions of the conventional view. Censorship is the restriction of speech by the government. To be sure, private parties sometimes restrict speech too. Simon and Schuster rejected the manuscript of *American Psycho*. College newspapers have refused to run "Holocaust revisionist" ads. And organized pressure by police groups and others recently led Time Warner to pull from the market the song "Cop Killer" by Ice-T. But such actions by private parties are not rightly called censorship. They are, rather, exercises of editorial discretion, judgment, social responsibility, market forces, or just plain taste. Why the different treatment? The government alone has a monopoly of force. If Simon and Schuster rejects you, you can go to Random House. If the government bans your novel, you may have to move to France.

The government's role is more ambiguous when it restricts speech by means other than coercive force. When the government acts not as policeman but as landlord, employer, educator, or patron, is it private or public? If the NEA rejects an artist's grant proposal on "indecency" grounds, for example, is it acting more like Simon and Schuster or the state? The difference matters, because Simon and Schuster can do what it wants, but the state is bound by the First Amendment. For some time First Amendment law resolved this ambiguity in favor of treating government even in its "private" capacity as the state. In a series of decisions masterminded by Justice Brennan, the Court held that just because the government did not have to let you onto its property or give you a job or money in the first place, that does not mean that it can give you those things with silencing strings attached.

But lately many on the right have been saying otherwise, and the Supreme Court has started to agree. Recall the battle cry of Senator Jesse Helms in the NEA wars: withdrawing taxpayers' money from smut, filth, and blasphemy was a matter of "sponsorship, not censorship," he said. And remember that in *Rust* v. *Sullivan*, the Court took a similar position, holding that there was no First Amendment problem with making silence on abortion a condition of receiving federal family planning funds. The argument is that when government is patron, not policeman, it is in effect itself a speaker, and it may determine, like any speaker, what is to be said.

The Rehnquist Court, in a parallel development, has performed a feat that might be called "the incredible shrinking public forum." For decades it has been First Amendment doctrine that there can be no content censorship in public forums such as streets and parks. Time, place, and manner regulation, yes; but picking and choosing between pro-choice and pro-life marches, no. The same idea might extend to a whole range of government property, except that recent Supreme Court decisions say that it should not. Teachers' mailboxes, charitable drives in federal offices, post office sidewalks, and now airport terminals, at least for some purposes, have all been infelicitously dubbed "non-public forums," in which many content restrictions are freely allowed.

What can opponents of content restrictions on public grantees, employees, and invitees say back to all this? They should emphasize such policies' systemic effects. As Smolla points out in a fine central chapter, speech that is "exercised outside the general marketplace, by students, employees, licensees, and a myriad of others speaking in government forums or with government funds," is a large percentage of all speech exercised in the modern welfare state. Permitting government control over speech in these settings thus gives it significant leverage over speech in the aggregate. Moreover, those dependent on government funding may, for the reasons that created their dependency, have some distinctive contribution to make to the speech mix. Those who distribute leaflets outside post offices, for

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example, are sure to be less well-funded than those who take out prime-time spots on network television. And NEA grants will fund, at least in many cases, artists whose work is undervalued by the current market relative to the value it will acquire over time—in other words, the cutting edge. If government won't give a platform to such speakers, the private market is unlikely to take up the slack. Thus do content restrictions in the funding context function as censorship by other means.

Just as the right is trying more and more to paint government with a "private" face, there is a pincer movement from the left, where a global criticism of the old free speech neutrality would expand the "public" realm. Free marketplace of ideas? You've got to be kidding, the critics say. Laissez-faire was abandoned in the economic marketplace with the New Deal. Notions of "freedom of contract" no longer stand in the way of redistributive socioeconomic laws. The Court dropped its faith in the invisible hand in 1937 and never looked back. Minimum-wage laws, maximum-hour laws, and the like are now rubber-stamped as constitutionally routine. How can Adam Smith, long put to rest in matters of due process and equal protection, have found reincarnation in the First Amendment?

Moreover, this criticism continues, speaking power is as poorly distributed in the marketplace of ideas as bargaining power is poorly distributed in the commercial marketplace, and government power is a necessary corrective. We have antitrust laws, after all, to subject AT&T and IBM to competition. Why not enact campaign finance limitations to break up the monopoly power of corporate and other monied interests in political campaigns? We have laws against sex discrimination to end the long-standing exclusion of women from men's jobs. Why not regulate pornography? We have race-based affirmative action to diversify our student bodies. Why not enact campus hate speech codes to ensure the redistribution of speaking power as well as seats in the classroom from the traditionally advantaged to the traditionally oppressed?

These arguments have blown up more than a few ACLU meetings across the country. "Civil Liberties!" "No, Civil Rights!" A faint glimpse of this division was even apparent among the justices of the Supreme Court in the recent cross-burning decision. Although the Court was unanimous on the result, the justices broke down into two camps in their reasoning. One camp, led by Justice Scalia, took the position that government may not take selective aim at disfavored messages, period. It may not do so even within the category of "fighting words"—a legal term of art for speech likely to provoke the listener to punch the speaker in the nose.

The justices in the second camp would not have been so absolute. They included Justices White, Blackmun, and Stevens, who are often classified, at least on some issues, as the remaining liberals on the Court. Along with Justice O'Connor, they said they would uphold *some* laws specifically restricting racist speech. They just thought that the city of St. Paul had gone too far by sweeping in racist speech that hurts one's feelings alongside racist speech that makes one want to punch the speaker in the nose.

In one sense, the disagreement between the two camps was a narrow one. Both treated symbolic conduct as speech, and agreed that it could not be banned for offensiveness alone. And both left intact the fighting words exception, despite the fact that it is a hopeless anachronism that mimics the macho code of barroom brawls. People are not supposed to punch speakers in the nose, after all, and it seems absurd to give more license to insult Mother Teresa than Sean Penn just because she is not likely to throw a punch. If we have to live with such an exception, shouldn't it at least be extended to words that cause flight or fright as well as fights?

Still, there was no mistaking a difference: the "liberal" camp was open to singling out racist speech specifically, so long as it is done within a category of otherwise injurious and thus unprotected speech. The "conservative" justices countered that the prohibition on singling out messages, even ugly racist messages, must be treated as near absolute. Here again, some thought that free speech libertarianism played too much as faith. But it is easy to shore up this conclusion with reasons. One argument for presumptive commitment to content neutrality is that gearing the First Amendment for the worst of times requires practice even in the best. A benevolent government promoting messages of racial equality one day may be taken over by rogues the next, and content neutrality is an emergency preparedness device.

Critics often call such reasoning too abstract and acontextual. Don't you understand, they say, that out there black female undergraduates are being subjected to catcalls from white frat boys like "we haven't tried a nigger yet"? But again, as with pornography, it is dangerous to slide too quickly from epistemology to polity. Even assuming racist speech helps construct a world of racial hierarchy, just as segregated lunch counters do, it does not follow that a centralized ban on hate speech will work better to dismantle it than the First Amendment default program of decentralized response. Bans on hate speech may have perverse effects: they may replicate the very marginalization that they are meant to subvert, carrying a subtext that the victims cannot talk back for themselves. They may stifle in the name of civility and reason the most empowering responses, which sometimes consist of shouting back angrily in like kind. They may backfire by turning the haters into martyrs, giving their hate speech magnified publicity and effect. And by punishing a periphery of extreme outbursts, they may perversely reinforce a core of "politer" racist thoughts.

Of course responses can be made to these arguments, and reasonable people may disagree. But the important point is this: breaking down the lines between speech and conduct, public and private, does not tell us what is to be done. As I have argued, pragmatic reason will often lead to the same conclusion as First Amendment faith—for example, to the conclusion that pornography and hate speech should not be banned. Now if this is the case, one might ask, why bother with reason? Resorting reflexively to First Amendment faith is faster and easier. And making prudential considerations explicit may seem to demote the First Amendment from a matter of right to one of policy. Isn't the whole point of rights—indeed, of faith—to keep things from being contingently up for grabs? Yes, when faith is working. But when faith begins to crack, no amount of reinvocation can save it. By rearticulating reasons for our faith, we resurrect or reconstruct it, although perhaps in new or narrower form. By making revisions and exceptions, or by persuading doubters that the outcome that faith dictated in the first place was the right one after all, maybe we can keep a crisis in faith from bringing down the whole church. •

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Low Life, High Art

By Sean Wilentz

The Paintings of George Bellows
by Michael Quick, Jane Myers, Marianne Doezema, and Franklin Kelly
introduction by John Wilmerding

(Amon Carter Museum, Los Angeles County Museum of Art, Abrams, 264 pp., $49.50)

George Bellows and Urban America
by Marianne Doezema

(Yale University Press, 244 pp., $45)

City of Eros:
New York City, Prostitution, and the Commercialization of Sex, 1790-1920
by Timothy J. Gilfoyle

(W. W. Norton, 462 pp., $24.95)

George Bellows is most widely remembered for his boxing pictures, especially his monumental painting of the Argentinian heavyweight Luis Angel Firpo, the "Wild Bull of the Pampas," knocking the Manassas Mauler, Jack Dempsey, through the ropes during their championship bout at the Polo Grounds in 1923. Sports-minded Americans who are otherwise ignorant of art can instantly identify that picture as a true-to-life narrative of one of the modern game's great moments.

One of the last major works of Bellows's tragically short career, *Dempsey and Firpo*, an icon of Americana, appeared in the large Bellows show at the Whitney Museum in New York this summer (now headed for Columbus and Fort Worth), but off to one side, with the rest of his later work, which portrays an entirely different world. Bellows's sensitive, sumptuous portraits of his family and friends (most of them painted between 1919 and 1924), juxtaposed with the rough New York scenes of his early career, form the record of a familiar sort of progress: from a quasi-bohemian bachelorhood to the life of an enormously accomplished professional painter and a contemplative family man. *Dempsey and Firpo*, with its slick surface and its posterlike tableau, is a cool composition by the mature artist, emotionally removed from the action at ringside.

Pride of place at the Whitney was correctly given to two earlier boxing paintings, including *Stag at Sharkey's*, his masterpiece of 1909. These were the paintings, along with his depictions of Manhattan tenement life, that established Bellows's reputation as the leading young rebel of the urban realist Ashcan School. Raw impressions of an illicit social setting, they hit a sensitive public nerve and advanced what some critics heralded as a revolution in American art.

In retrospect, it may be difficult to understand what the fuss was all about. To be an American avant-garde painter at the turn of the century, it seems to have sufficed to violate the cramped, genteel rules set down by the conservative heads of the National Academy of Design. The Ashcan spirit, as preached by the progressive's mentor Robert Henri, the charismatic master realist painter and instructor at the New York School of Art, rejected the academy's lifeless idealizations of upper-class purity in favor of new subjects—gritty, unedited scenes of everyday city bustle, preferably among the working poor.

Henri's teachings also encouraged a virile change of tone, in keeping with the growing American cult of action and masculine toughness as antidotes to effete bourgeois comfort. Posturing as fearless, strapping young challengers, the Ashcan artists hoped to replace what the sympathetic critic and painter Guy Pène du Bois ridiculed as the "long-haired, dreamy-eyed, velvet-coated aesthetic" with "a vital, manly—if aesthetically vulgar—record of a living, seeing, breathing set of human beings." The name "Ashcan" did not originate until the 1930s, as a retrospective term of derision; some surviving members of the group appropriated the label to describe what the painter Everett Shinn recalled as their rebellion against "a deceitful age, drugged in the monotony of pretty falsification."

Judged by the standards being set by Matisse, Picasso, and Duchamp—or, for that matter, by Alfred Stieglitz and his modernist-influenced circle in New York—the Ashcan revolt was tame. To be sure, the Ashcan artists, in their exuberant sincerity, made some genuine efforts at technical innovation. As would-be Whitmanian recorders of the urban immigrant multitudes, they purposefully narrowed the gap between high art and the journalistic sketches and photographs of the day, much as Whitman's poetry had mingled Emerson and Hegel with the penny-press reporting of the 1850s. (Several of Henri's more prominent pupils, including John Sloan, had begun in the graphic arts and newspaper illustration.) But for their chief stylistic models, Henri and his disciples looked back to Manet, Daumier, Goya, and the Dutch Old Masters, as well as to their American predecessors Winslow Homer, Thomas Eakins, and James McNeill Whistler. After 1900, this was not exactly daring.

Nor, for all their talk about mounting a radical insurgency, did the Ashcan artists have much difficulty finding popular success. As Marianne Doezema explains in her rewarding new study of Bellows's early career, by the time the Ashcan painters started exhibiting their work, the art public had long been weary of what the mainstream critic James Huneker called "the insipidity and conventionality of the academy."

Of all the newcomers, Bellows rose the fastest and the highest. Born in Columbus, Ohio, in 1882, to a family of pious Methodists, Bellows was already an able draftsman by the time he enrolled at Ohio State University. (As a boy, he had mastered the drawing styles of Charles Dana Gibson and Howard Chandler Christy by copying from mass-circulation magazines.) After he dropped out of Ohio State, he arrived at the New York School of Art in 1904, expecting to become a commercial illustrator. Instead he gravitated to Henri and to what Doezema called the "aggressively masculine community" that was Henri's classroom.

Bellows proved to be a quick learner with prodigious skills. Less than two years after he first encountered Henri, he

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painted *River Rats*, an ambitious and impressive panorama of slum boys swimming off the city's wharves, thoroughly in keeping with Henri's new spirit. Early in 1908 a group of Henri's followers (not including Bellows) organized as "the Eight" and mounted the Ashcan School's breakthrough exhibition; but Bellows was busy with his first boxing pictures and two river views, aware that the cognoscenti were touting him as truly the most talented of the enfants terribles. In April 1909, a few months before he painted *Stag at Sharkey's*, he had gained enough critical support to merit election as an associate member of the academy. After less than five years of formal training and professional experience, that is, and working in a style that was supposed to be subversive, Bellows had made it.

"Others paved the way," he modestly remarked about his rapid fame, "and I came at the psychological moment." Technical virtuosity also had something to do with it. From the start, even the skeptical critics could not deny Bellows's brilliant craftsmanship, evident in the almost visceral way he applied pigment to canvas. In the introduction to the current exhibition's excellent catalog, the art historian John Wilmerding asserts that no American realist in Bellows's lifetime was a more sensuous handler of paint. Not until de Kooning and Kline fifty years later, claims Wilmerding, would American artists reincarnate Bellows's slashing brushwork.

Bellows also mastered an attitude toward his urban subjects that made his work accessible—and acceptable—to people of otherwise sharply divergent opinions. His first extended project was a series of views of the excavation and the construction of the much-discussed new Pennsylvania Railroad Station—an early sign of Bellows's knack for picking arresting topical themes of wide interest. More important, Doezema argues, in his grimier genre scenes Bellows carefully established a critical distance between himself and the people he painted, which in turn opened up his pictures to multiple interpretations.

Like the other Ashcan artists, Bellows flatly refused to make any overtly ideological statements in his serious work, lest his art be in thrall to political dogma. But none of his colleagues surpassed him in painting pictures that permitted viewers to find in them their own preoccupations and opinions of the city and its poor. Radicals could see in Bellows's street kids what the Marxist John Spargo called the "great vibrant passions" of the class-riven metropolis. Middle-class Progressives could see the same figures as deprived little criminals, available for charity reform. And less politicized patrons could revel in a titillating sort of visual slumming, assuming that Bellows was *really* proclaiming the eternal innocence of youth and the age-old romance of poverty as a state of uncompromised authenticity.

Behind the protean pictures, Doezema believes, was a "middle-class," "conservative" artist, energized by the city but always disdainful of its sordidness. Inspected closely, she notes, the figures in some of Bellows's streetscapes and river scenes look caricatured, lacking in the individual humanity one expects from a Whitmanian artist. Pène du Bois, in an otherwise positive notice of Bellows's East Side *Cliff Dwellers* of 1913, perceptively remarked that "he had built a crowd of people in which not a single person exists; a crowd that loses its reality the moment that it is dissected." Unconsciously, perhaps, Bellows projected an early recognition of the massification of urban life. And there is additional commentary from the time that insinuated that Bellows lacked empathy with his subjects and tailored his pictures to suit the affluent art-buying majority. In particular, some of Bellows's fellow artists regarded him with suspicion (as well as with envy and respect) as a young, ambitious latecomer, who always painted, as Sloan wrote privately, "with his eye on the bleachers."

There is a danger, however, in overdoing this debunking of Bellows's rebellious mystique. Although other Ashcan artists exhibited surer political commitments (especially Sloan, who became a dedicated socialist), the young Bellows was certainly drawn to leftist ideas and causes. With Henri and Sloan, he attended Emma Goldman's lectures; he taught for a time at the anarchist Ferrer School; he contributed satirical drawings to *The Masses* and retained a connection to the magazine until its demise at the hands of government censors and the courts in 1917. If, as Doezema writes, these involvements amounted to "flirtations," they were hardly the flirtations of a middle-class conservative.

Emphasizing Bellows's more traditionalist side also runs the risk of slighting his insistence on broaching topics that, to middle-class conservatives, had no place on gallery walls. The fight scenes, in particular, elicited something close to horror in some patrons and critics. Bellows, in a self-dramatizing, disingenuous moment, ascribed such reactions to taboos "quite outside the sphere of art," and lamented that to some people it was immoral "to paint prizefighters with blood on them." He studiously neglected to mention how, despite the shudders, his boxing painting also won praise—sometimes from the same viewers who were frightened. But his work plainly *did* address certain cultural taboos more willfully, perhaps, than Bellows himself admitted—matters that, at the time Bellows was painting, were making many Americans panicky.

The subject of boxing was not, in itself, the disturbing thing. Since the twilight of the nineteenth century, uncounted thousands of eminently respectable young American men had been taking up boxing and other strenuous sports as part of their prescribed passage into adulthood. With the support of such well-known hardies as Theodore Roosevelt, boxing became known as a noble, even aristocratic game, the perfect corrective to the feared impending sissification of American manhood in a modern nation of pencil pushers. Boxing had even found a place in the fine arts before Bellows, in Thomas Eakins's handsome portraits of cool-headed, semi-nude fighters—models of the well-rounded, muscular ideal.

Bellows's pictures, however, took up boxing's seamier side, in the New York demimonde of professional club fighting. Since the Civil War era, professional prizefights had been staged in disreputable saloons, with links to gambling, prostitution, and local machine politics. From downtown venues like Harry Hill's notorious Crosby Street dance hall, the fight scene had gradually migrated north to Union Square and then to the Tenderloin district above Madison Square, up to 42nd Street and beyond. And as this commerce of sin expanded, it became the focus of intensifying political battles led by coalitions of patricians, clergymen, and middle-class uplifters who were determined to rid Manhattan of its corrupt sinkholes.

In 1900 the municipal government, pushed by one of the most powerful of these reformist outbreaks, formally banned public prizefighting in the City of New York. In response, the enterprising promoters and saloonkeepers arranged themselves into private clubs, where for a one-night "membership" fee the usual rough clientele of workingmen, gamblers, and gentlemen on a lark could drink, watch the fights, and carry on pretty much as ever (provided, of course, that the management had paid off the police). At the time Bellows began painting, the reformers' outcries against the promoters' evasive tactics were in full roar: in 1906 one *New York Times* editorial demanded the eradication of the "'sparring exhibitions' ... that are not only a violation of the law

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but are revolting to all civilized persons."

No one would have mistaken Bellows's cramped arenas, with their battered fighters and ringside mobs, for anything other than a club fight scene. Just to make sure, Bellows made it clear in his titles: *Club Night*, *Both Members of This Club*, and *Stag at Sharkey's* (a reference to an infamous establishment run by the ex-prizefighter Tom Sharkey). The action in these pictures is vicious. The fighters' heads recall the bleeding stumps in one of Goya's nightmarish Black Paintings; the crowds, equally reminiscent of Goya, include nabobs in dinner jackets and flush-faced workers—men of all ages and classes, their social distinctions effaced by their common fascination with and delight in the spectacle before them. At Sharkey's and elsewhere, Bellows had found a place where the effete and feminized extremes of civilization indeed fell away—to produce not an uplifting and manly Christianity, but an eerie and brutal camaraderie.

Even more than today, prizefighting (along with baseball, football, and the other spectator sports that arose from rough urban amusements) carried with it nearly tribal ethnic and neighborhood loyalties. Bellows portrayed these most pointedly in the final major boxing painting of his early career, *Both Members of This Club* (1909), a picture unfortunately not included in the exhibition. Originally titled *A Nigger and a White Man*, the picture shows two heavyweights, one white, one black, straining against one another with all their might, in the momentary triangular high point between a blocked uppercut and a nasty club fight clinch. Although blacks rarely appeared in Bellows's paintings, there were black boxers on the prizefight circuit; and by depicting an interracial bout, Bellows was being, in the most literal sense, a realist. But he was also treading on a touchy subject at the historical zenith of "scientific" racism, lynching, and segregation in the United States. And as Doezema points out, the subject was all the more touchy because the year before Bellows painted this picture, a black man, the brash and brilliant Jack Johnson, had won the heavyweight crown, sending sportswriters into fits over who would emerge as the Great White Hope.

The names that Bellows gave to the picture underscored his intention to unnerve his audience without drawing any simple lessons of his own. The original title evoked a street rhyme that could be heard (at least as late as the early 1960s) in New York Irish and Italian neighborhoods whenever one of the guys squared off against a black: "Fight! Fight! A nigger and a white!" Was Bellows shouting, too, or was he commenting ironically on the shouts around him? By later describing the fighters as both members of the club, was he indicting the depraved democracy of the sporting demimonde, where all social boundaries broke down, or was he pointing out the hypocrisy of those boundaries?

The more famous *Stag at Sharkey's* (painted several weeks earlier) also sent upsetting signals, although they are somewhat more difficult to notice today. Commentary on the picture has normally described the intensity and the movement of the fighters, and Bellows's streaks of color that anticipated, according to some authorities, the kind of kinetic energy that Jackson Pollock would develop in the 1940s and 1950s. The differences between these gory, blurred, anonymous pugs and Eakins's earlier heroic and perfectly molded combatants could not have been greater. As Bellows himself wrote, his main interest was to convey the action, and not the anatomy, of Sharkey's fighters.

STAG AT SHARKEY'S, 1909

The picture's other alarming features turn up in the crowd. Off to the right, by the corner post, are two shouting black men. Their role at ringside is a little unclear. (Are they one of the fighter's corner men or regular club members?) Of all the spectators, in any event, the black man on the left is the most demonstratively riled up by the passions of the bloodletting. Even before *Both Members of This Club*, it seems, Bellows had it in mind to explore the paired themes of race and prizefighting.

Another, more elaborate reference appears on the other side of the ring, in the painting's lower left corner. Like other art historians, Doezema assumes (perhaps from the picture's name) that Sharkey's was wholly a world of men, with its "all-male company" and its absence of "everything associated with the feminine." Yet even if all its customers were men, Sharkey's was hardly an all-male preserve. *Stag at Sharkey's* was yet another example of Bellows playing games with his titles. The cigar-smoking fellow in the left foreground, looking back over his right shoulder, is the tip-off. At a glance, he seems to be pointing to the boxers and peering directly out of the picture, creating the illusion that the viewer is actually part of the fight crowd. But a close look shows that the man is really squinting at the dark shapes just behind him. Those shapes are meagerly defined; and it takes a superior reproduction (or a careful look at the painting itself) for the lace collars and the pulled-back hair of three women to come into view, two of them standing practically cheek-to-cheek, the other standing off to the right. And once these figures appear, it is easier to notice a fourth woman, in décolletage, standing in the distance, and positioned by Bellows just below the referee's outstretched arm.

In 1909, certainly, respectable women were not supposed to attend any kind of paid boxing exhibition, let alone one in a joint like Sharkey's. (In some notes to one of Bellows's later boxing lithographs, his wife remarked that it depicted the first occasion when fashionable women attended a New York prizefight. The year was 1916.) But prostitutes *did* mingle with the fight crowds. In his authoritative new history of New York prostitution, Timothy J. Gilfoyle quotes one source describing Tom Sharkey's downtown club in about 1900 as one of the "largest markets for women which the city ever had." Bellows did not go out of his way to proclaim the women's identity or even their presence, but he left little doubt about who

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ence, but he left little doubt about who they were. The boozy smoker's expression says it all, as, distracted from what is supposed to be the main event, he sizes up the women behind him, his cigar erect. Going stag at Sharkey's, Bellows reminds his audience, meant having the chance to buy sex as well as vicarious violence.

Americans of the late nineteenth and early twentieth century could have seen images of prostitutes and "loose" working girls in any number of places, from "racy" postcards to newspaper drawings. Literary treatments of New York "low life" and prostitution dated back at least to Poe and had been renewed in 1893 in Stephen Crane's *Maggie: A Girl of the Streets*. But these sorts of depictions, which were familiar in French painters from Manet and Degas to Toulouse-Lautrec, were unheard of in American painting until the arrival of the Ashcan School. According to Gilfoyle, Sloan's sympathetic picture of 1907, *The Haymarket*—showing three eye-catching, well-dressed prostitutes walking unescorted into one of the city's notorious hot spots—was "the first painting by a serious artist" in this country "to focus on a well-known habitat of prostitution." Other Ashcan artists followed suit, paying special attention to amorous encounters at Coney Island, renowned as a refuge of middle- and working-class libertinism.

Bellows handled the theme in his usual ambiguous way. In a 1917 lithograph called *The Street*, he portrayed two women walking arm-in-arm at night, oblivious to the leers of those around them—but blended them into the rest of the scene so that, as Gilfoyle writes, he "forced viewers to wonder whether these women, dressed like prostitutes, really were prostitutes." Bellows was even cagier six years earlier in *Stag at Sharkey's*, when he rendered the women as obscure, faceless shapes. Still, by including the prostitutes in his fight scene, he touched on yet another taboo, and on another sensitive public issue.

As Gilfoyle explains, the anti-prizefight sentiment of the period grew out of a wider crusade to suppress prostitution in New York. Originally undertaken by the Rev. Charles Parkhurst in 1892, the effort gradually gained support from disparate political constituencies and became what Gilfoyle calls "the most famous anti-prostitution campaign in New York history." Although in the long run it proved only marginally more successful than earlier attempts to clean up the city, this one did manage to launch some major investigations and enact some reforms (including, in 1907, the establishment of the city's Night Court) during the years when Bellows was painting his fight scenes. With the prostitutes in place at Sharkey's, Bellows was able to augment his picture's topicality and add the final realistic touch to his immoral pastiche.

But beneath all the allusions and the verbal games, what were Bellows's own reactions to what he painted? To Doezema, there can be little doubt that *Stag at Sharkey's* conveyed an upright, "middle-class" disapproval of the sporting life, exemplifying yet again Bellows's emotional distance from his subjects. After remarking on the American realists' penchant for self-portraiture, she finds visual support for her claim in the bald-headed figure on the far side of the ring to the right, his face partially blocked from view. Doezema speculates plausibly that the figure is Bellows himself (there is indeed a strong resemblance), either crouched in dismay or glancing up from his sketch pad—the detached, disapproving artist at work.

But there is another visual clue that suggests an entirely different reading of Bellows's stance, and of the ambiguities that appear in all of Bellows's city paintings. Down the row to the viewer's left of the figure that Doezema discusses, there is another bald-headed man with an equally striking resemblance to Bellows. He is carefully placed among the brightly lit figures at ringside. He and the other Bellows look-alike are seated like a pair of bookends in the front row facing the viewer. This man, however, is enjoying himself enormously, his smiling face ruddy with excitement. Here, it seems, is the other Bellows, the emotional counterpart of the artist—the eager fight fan, at ease at Sharkey's, cheering on the combat. What Doezema interprets as a straightforward expression of Bellows's "conservative" sensibility dissolves, by this reading, into an artistic declaration of personal ambivalence.

Such ambivalence would not have been peculiar to Bellows: it lay at the heart of the leftist cultural politics to which he and the other Ashcan artists were connected. On the one hand, numerous writers and publicists regularly singled out commercial blood sports and, even more, prostitution (the "white slave" trade) as metaphors of capitalist exploitation and inhumanity. This view was objective and analytical. On the other hand, there was an equally strong impulse, especially among the younger rebels of Bellows's generation, to identify with the rough-and-tumble heroism of the streets, the saloons, and the fight clubs, not just as affronts to bourgeois respectability but as exciting, romantic places in themselves. A similar ambivalence arose, in a less thought-out way, with respect to race, as younger leftist writers could at one moment decry the injustice of segregation and the legacy of racial slavery and at the next moment portray blacks as ignorant beasts, whose main vocations were murder, larceny, and strike-breaking.

Few writers and artists owned up to these contradictions. Most may not have been fully aware of them. Bellows was. By putting his mixed emotions on display, he made a personal statement that transcended the Ashcan School's oversimplified celebrations of the "real." His pictures' lack of moral resolution seems to have arisen not simply from his determination to avoid being preachy, and even less from some calculated effort to paint for the bleachers, but from his own unembarrassed inability to achieve such a resolution for himself. His soul was divided and he knew it; and those divisions became emotional sources for his art.

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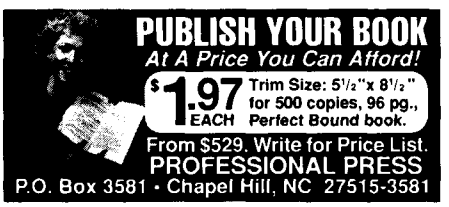
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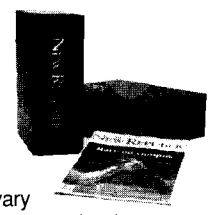

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PROVINCETOWN DIARIST

Disappointed

I HADN'T GOTTEN TO HOUSTON BY the time Patrick Buchanan gave his now immortalized "cultural war" speech. I watched it, slumped in front of the TV with a friend of mine. At the first cross-dressing jibe, we sat up. As the transsexual theme threaded its way through the speech, we craned forward. By the end, there were bemused grins on our faces. It's a weird sensation hearing the very fact of one's sexuality turned into a prime time campaign issue; weirder still to hear it filtered through the Brylcreemed psyche of Mr. Buchanan. For me, though, it was a clarifying moment. It was the time when it first dawned on me that the Republican Party had become so obsessed with the counterculture that it had become its mirror image. In fact, to all intents and purposes, the Republican Party *is* now the primary counterculture. It seems to have abandoned the core of properly conservative politics—limited, solvent government, political moderation, a respect for the choices of free individuals—in order to assume a posture of cranky opposition to the ruling cultural ethos of the day.

YOU ONLY HAVE TO CONSIDER THE people and institutions to which Astrodome Republicanism is now constitutively opposed: single parents, divorce, premarital sex, homosexuals. All are now indelible features of our social landscape. If Burke were alive, he might describe their emergence as a function of an organic society in which conservatives should properly feel at home. And indeed, some of us do feel perfectly at home. Those of us under 30 cannot even conceive of a family structure as Marilyn Quayle described it. Almost all of our mothers worked; many of our parents are divorced; most are comfortable with sex before marriage; some of us are gay; many of us know someone who's gay. None of this is particularly celebrated; some of it may even be looked upon with a measure of regret; but all of it is so banal as to be unremarkable. The battle over it, in political terms, is essentially an abstract and politically meaningless one—the kind of debate that real conservatives, concerned with engaging with society as it is, happily eschew. In this sense, the current crisis of the Republicans is not a function of their becoming too conservative; it's a function of their ceasing to be properly conservative at all.

PROVINCETOWN IS A WONDERFUL vantage point from which to gain a perspective on the campaign. For me, it offers two sorts of relief: the natural serenity of its dunes and bike paths and the odd familiarity of its gay subculture. Both tenaciously resist the attempt of the wider world to subsume them, which in the case of the former is a mercy, and in the case of the latter, a mixed blessing. The emergence of gay rights as an election issue and the appropriation by the Buchananites of the anti-gay position has offered gay America a unique chance to reach into the mainstream. And on a whole range of fronts—new professional groups, media visibility, involvement in the Clinton campaign—it's being seized. But there's also a strange and deep aversion within the gay world to exactly this kind of success, an instinctive recoil toward victimology, a desire to sustain the ease and, in some sense, the privilege of a responsibility-free closet. You could see it in the reaction to Houston. Instead of exhilaration at the implosion of the enemy, there was a strange defensiveness, a prickly overreaction, a refusal to take yes for an answer. For weeks afterward, friend after friend remarked how "terrifying" the convention was. *The Village Voice* plunged into its copyright ghetto paranoia. *Newsweek* managed to turn essentially pro-gay poll results into a harbinger of a new Kristallnacht. And *QW*, a usually smart gay magazine in New York, put Buchanan on the cover with the headline: "The Next Reich." "I'm really scared," a perfectly sane friend of mine remarked a week later, sipping his decaf macchiato, to which the only rational response was, "No, you're not."

THIS INABILITY TO GIVE UP THE SUBcultural identity is partly, of course, because there is no longer any sustaining broader culture to take its place. There is, these days, only subculture. Earlier this year, the end of Carson and the beginning of Perot struck me as an eerie coincidence, a noble pretense that some coherent America could still exist. It doesn't; and Perot's increasingly narrow base and final self-destruction proved it. At the same time—as if to rub it in—Clinton was able to appear on Arsenio without marginalizing himself, because by now Arsenio is no more marginal than Leno or Oprah. The networks, once the bastion of authoritative mutual communication, are out-Foxed. Even *The New Yorker* must find its subcultural niche. The closest I can think of these days to a genuinely unifying American culture is The Gap. The trick, it seems to me, is its miraculous ability to democratize the hip, to turn mass production into mass individualism, to make the generic seem idiosyncratic. Any future political movement (Clinton, please note) that wants to resurrect a civic liberalism would do well to study The Gap's ads. They'd work better than national service.

EVERYONE IN P-TOWN IS EXCESsively friendly, a phenomenon only partly undermined by the fact that most of the charming people you meet are on Ecstasy. Within the last few years, gay social life—particularly club life—has been transformed by the explosion of this designer drug, originally developed to facilitate marriage counseling. It now exists to induce pleasant feelings of emotional security and openness while dancing to Abba remixes. As drugs go, it seems pretty harmless. What's interesting is why exactly it should be booming now. It's not restricted to gays, of course: in Europe it fuels the straight "rave" phenomenon and has even become de rigueur at British soccer matches, where rates of violence have dropped precipitately. But the new affinity for it among homosexuals is striking. Friends who've been around far longer than I have say that drug use now is unprecedented, outstripping even the craziness of the 1970s. Why?

THE OBVIOUS EXPLANATION IS that it's cheap and fun. But it's also, I think, the latest wrinkle in plague-psychology. As an antidote to anxiety, the drug has finally found its perfect market. Ecstasy seems to be able to provide instant intimacy: intimacy without fear, either of disease or commitment. It acts as a depressant of sexual desire, accentuating a more aesthetic form of eroticism. For people who have never known sexual relations without fear of death (which is true of my entire generation), it allows for a kind of pseudo-sex, in which contemplation replaces coitus and terror is chemically dispelled. It also fosters, however briefly, a sense of community, where no community really exists, riven as it is by the subtle, strong tensions of HIV. For all these reasons, it is as ubiquitous as it is unsettling, a happy drug that is a cure for unbanishable sadness, an ear-muffler for the white noise of death.

ANDREW SULLIVAN

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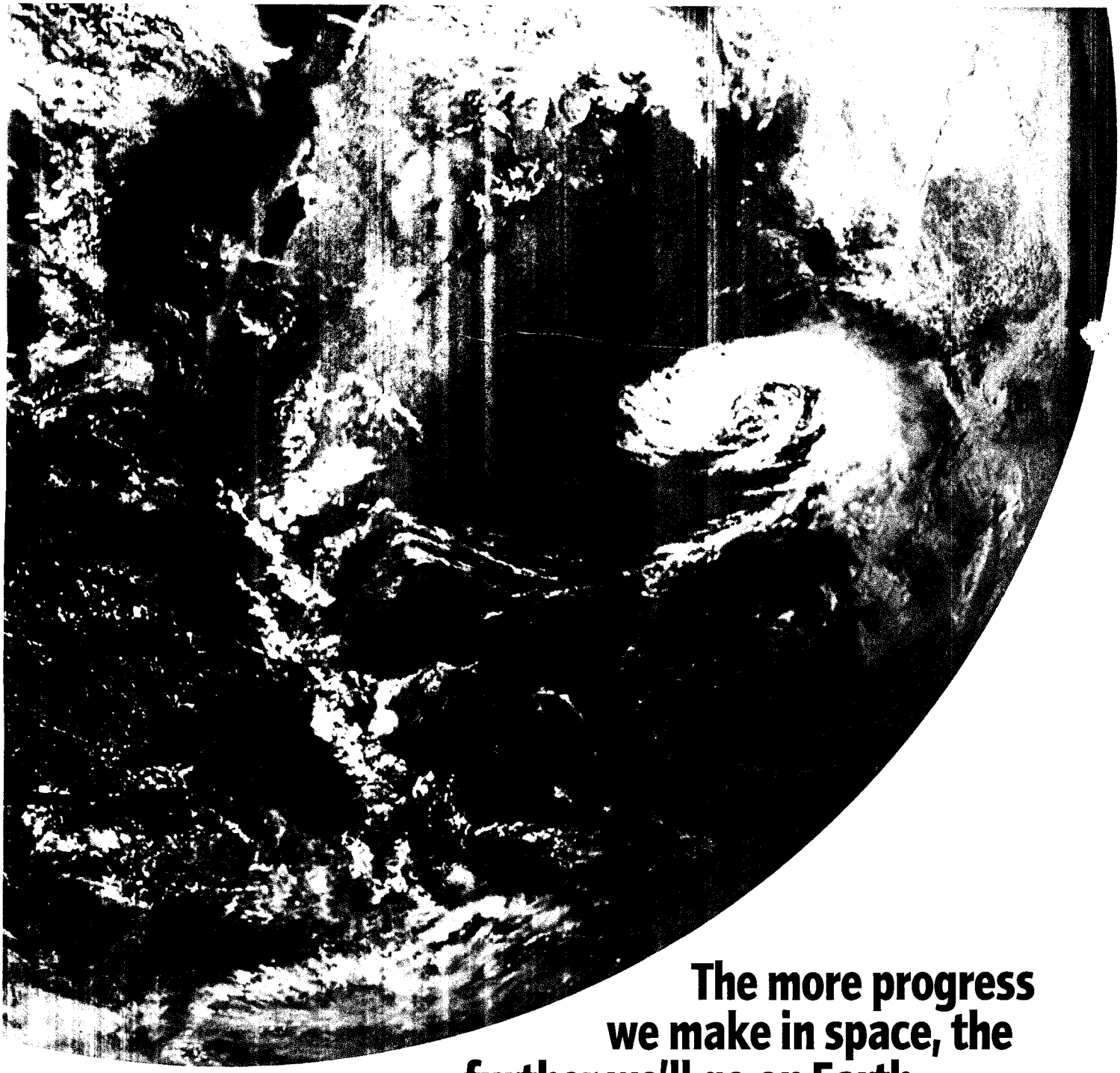

A view of the United States as seen from space.
Photo courtesy of NASA.

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